Hermeneutical Prologue

for

Discovering Basic Jurisdictional Principles

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Scripture citations are primarily from the **ESV** and **NASB**.
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Part I:

The Reformed Hermeneutic

Part I

Chapter 1:
What Is the Reformed Hermeneutic?

The Reformed hermeneutic specifies that the Bible student should use the Bible to interpret the Bible.[1] In other words, the rules, guidelines, and principles for Bible interpretation that were used and expounded by the "Magisterial Reformers" of the 16th-century Reformation, and that are still used and expounded by their followers, is to allow the Bible to interpret itself. This has profound implications that can be illustrated by way of practically any biblical verse. This statement from John's Apocalypse supplies an apt demonstration: "And I heard a voice from heaven, like the voice of many waters" (Revelation 14:2a; **NKJV**). A novice in Bible interpretation, who also happened to have some commitment to Hindu thought patterns, might conclude that this "voice of many waters" refers to the sound at the heart of the universe, "A-U-M". This novice might also believe that whether God exists or not isn't important; so whether this "voice of many waters" is God's voice or not isn't really important. But what's important in the mind of this Hinduist Bible reader is that this "voice of many waters" refers to the sound at the heart of the universe, and he/she can condescend to overlook and tolerate the Christian insistence that this transcendental core of the universe is God.

In Christian theology in general, including Reformed theology, this Bible reader is clearly practicing **eisegesis** in regard to this verse.[2] He/she is superimposing on the text his/her preconceptions, rather than allowing the text to speak for itself. If he/she allowed the text to speak for itself, following the Reformed hermeneutic, then he/she would practice **exegesis** instead of **eisegesis**.[3] Rather than reading into the text through **eisegesis**, the reader would read out from the text through **exegesis**. Rather than superimposing extra-biblical conceptions upon the text, the reader would allow the text to speak for itself. Rather than isolating the text from the larger context of the Bible, and permitting his/her self to draw wild conclusions about what

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1 Reformed theologians generally agree that this is true. For instance, this was clearly claimed by Reformed theologian, R.C. Sproul, in his lecture, "The Church's Destiny", at the Ligonier National Conference, 2006. — URL: http://www.ligonier.org/learn/conferences/orlando_2006_national_conference/the-churchs-destiny/?, retrieved 15 December 2015.

2 **eisegesis** — "the interpretation of a text (as of the Bible) by reading into it one's own ideas" (**Merriam-Webster**). — URL: http://www.merriam-webster.com/dictionary/eisegesis, retrieved 1 April 2016.

3 **exegesis** — "exposition, explanation; especially: an explanation or critical interpretation of a text" (**Merriam-Webster**). — URL: http//www.merriam-webster.com/dictionary/exegesis. retrieved 1 April 2016.

the text means, he/she would be willing to investigate the possibility that there are other portions of Scripture that could help the reader to interpret this apocalyptic statement.

It's certain that if the Bible student were truly interested in understanding Revelation 14:2, he/she would study the rest of the Bible enough to understand that the Bible doesn't doubt God's existence, but confirms God's existence emphatically. So keeping this verse in context would contend against this reader's blasé attitude about whether God exists or not. Something similar can be said about the reader's belief that the "voice of many waters" refers to "A-U-M". — If the reader dropped both the blasé attitude about God's existence and the Hindu superimposition about "A-U-M", but nevertheless still took the verse in isolation, then the reader might conclude that God's voice sounds like Niagara Falls, like the rapids of the Colorado River, or like a rough surf pounding a rocky shoreline. But the Reformed hermeneutic requires that before feeling safe and sure about such an interpretation, the Bible student should search the rest of Scripture to make sure that other biblical witnesses confirm the conclusion. John's vision of "the Son of Man" in Revelation 1 certainly confirms this interpretation, as it refers to "His voice as the sound of many waters" (1:15; **NKJV**). A similar expression appears in Revelation 19:6, but in 19:6, the expression might be understood to reference "the voice of a great multitude", rather than the voice of God. A similar expression appears in Ezekiel 43:2, where it says explicitly that God's "voice was like the sound of many waters" (**NKJV**). So if this reader dropped the Hindu bias and the blasé attitude about God's existence, then these other portions of Scripture could contribute to his/her understanding of God's voice as being "like the sound of many waters".

Even with the reader's agnosticism and bias about "A-U-M" suspended, these several intra-biblical references to God's voice as being "like the sound of many waters" don't cover the subject of God's voice adequately enough to allow the Bible student to have a reliable understanding of Revelation 14:2a. This is because there are other passages in the Bible that refer to God's voice as being something other than like the sound of many waters. An example of such a passage appears in God's revelation to Elijah in 1Kings 19. There the Lord manifested Himself as a strong wind (but He wasn't in the wind), an earthquake (but He wasn't in the earthquake), and a fire (but He wasn't in the fire). Then God manifested Himself as "a still small voice", and He was in the still, small voice. Elijah could recognize God in the still small voice, but not in the earthquake, wind, or fire (1 Kings 19:11-13). So even though it's valid to claim that God's voice can be like the sound of many waters, it's also important to recognize that God can communicate to humans in other ways, including through a still, small voice. In fact, the Bible on the whole is emphatic

that God is sovereign over the entire universe. So because God is God, God can communicate to humans through whatever medium, and in whatever way, God chooses. Study of Scripture as a whole, as distinguished from the study of isolated passages, leads inevitably to the conclusion that according to the Bible, God can communicate to humans by whatever means He chooses, including through the mouth of an ass (Numbers 22:28) or through the mouths of God's prophets.

The Reformed hermeneutic requires that the Bible student avoid using the Scriptures superficially. It requires the Bible student to humble his/her self before God's word. If people are not willing to thus humble themselves, then they are not capable of following this hermeneutic. But this hermeneutic requires more than mere humility. The crosschecking of passages is practically impossible without logic. While randomly interpreting passages by superimposing preconceptions is an obvious way to misunderstand the passage, crosschecking passages by implicitly claiming that one passage is analogous to another also has its hazards. One avoids the hazards of **eisegesis** by suspending one's commitments to culture-based biases long enough to hear the text speak. On the other hand, one avoids the hazards involved in crosschecking apparently analogous passages by knowing the difference between valid reasoning and invalid reasoning. Based on this claim, it might appear that in order to follow the Reformed hermeneutic, it might be necessary to be rigorously schooled in logic. But this is not necessarily true.

Starting especially in the so-called "Enlightenment" of the 18th century, and extending rabidly into so-called "Higher Criticism" of the 19th century, the Bible has been under constant attack. These attacks became so malicious that the late Abraham Kuyper "remarked that biblical criticism had degenerated into biblical vandalism".[1] A part of this vandalism has been the attack on logic, especially as it necessarily appears in the Reformed hermeneutic. One of the claims has been that logic is a product of ancient Greek culture. This line of reasoning holds that because logic was invented by Greek philosophers, it has no more place in Bible interpretation than Hindu cultural biases. Anyone who comes to believe this simultaneously incapacitates his/her ability for using the Reformed hermeneutic. This is because the Reformed hermeneutic is inherently dependent upon the use of logical reasoning. But the Reformed hermeneutic is not dependent upon Greek culture, and it does not need academic courses in logic to work.

The claim that logic is a function of Greek culture is inherently dependent upon the claim that Greek philosophers invented logic. It's certainly true that Greek

1 Quoting R.C. Sproul's post of May 19, 2010, "The Spirit of Revival (Part 5)". — URL: http://www.ligonier.org/blog/spirit-revival-part-5/, retrieved 8 January 2016.

philosophers like Plato and Aristotle discovered and formalized logic. But to claim that they invented it is as ridiculous as the claim that Columbus invented America. In fact, America existed before Columbus was born, and it continued to exist after he died. So America's existence has zero dependence upon Columbus' existence. It exists independently of Columbus. Something similar can be said about logic. Logic is merely right reasoning. Without right reasoning, humans are incapable of rational communication. Right reasoning existed before Greek philosophers discovered it and formalized it into an academic subject, and it would exist even if it had never been discovered and formalized. So the Reformed hermeneutic can exist even without formal and academic logic. Even so, formal logic is a bulwark against wrong reasoning, and it deserves some respect regardless of what cultures may have contributed to the human understanding of it.

This line of reasoning clearly shows that there is room in Reformed Bible interpretation for extra-biblical facts, propositions, and reasoning to influence the interpretation process. But this room is extremely circumscribed. The interpretation process starts with Scripture and ends with Scripture, and it does not allow preconceptions from any culture to vandalize the interpretation. This process allows the true biblical worldview to apply to the world, rather than allowing the world to superimpose its misconceptions on what the Bible really says. But it also allows true extra-biblical facts to be considered and encompassed within the Bible-interpretation process. Contrary to what the vandals claim, there is no inherent conflict between extra-biblical facts and intra-biblical facts. The same God created them both, and this God is not irrational. So there must necessarily be rational consistency between genuine extra-biblical facts and genuine intra-biblical facts. This is necessarily true even though human perception is such that the consistency between these two is not always obvious. Even so, this vignette with regard to this Hinduist reader shows that there must be "rules of interpretation that will serve as a check and balance for our all-too-common prejudices".[1]

Sub-Chapter 1:
The Analogy of Faith

The purpose of this booklet is not to enter into an academic debate about the science of hermeneutics. It's also not to educate novices in Bible interpretation, although the author hopes this booklet will be easy enough for the novice to understand. The purpose of this booklet is to show the reader, regardless of whether

1 R.C. Sproul; **Knowing Scripture**, 1977, InterVarsity Press, Downers Grove, Illinois 60515, p. 12. — URL: https://www.ligonier.org.

the reader is in the laity, in the clergy, in academia, or even totally outside the Christian community, what hermeneutical principles the author believes are correct, which are the same principles he used in the process of writing (i)**Theodicy: Science, Bible, and Law**; (ii)**Theological Inventory of American Jurisprudence**; and (iii) other things.[1] The author claims that these books and writings are Bible-based, and that they are the products of a biblical worldview. This booklet attempts to manifest the hermeneutical principles foundational to these works. The author claims that his biblical worldview has arisen by way of the Reformed hermeneutic, and he hopes that any reader unfamiliar with this hermeneutic will alleviate that shortcoming by studying the Reformed hermeneutic more holistically.

The Reformed hermeneutic is also sometimes known by its primary rule, which is the "analogy of faith".

> The analogy of faith is the rule that Scripture is to interpret Scripture: *Sacra Scriptura sui interpres* (Sacred Scripture is its own interpreter). This means, quite simply, that no part of Scripture can be interpreted in such a way as to render it in conflict with what is clearly taught elsewhere in Scripture.[2]

Implicit in this description of the analogy of faith are the beliefs that the Bible is "the inspired Word of God", and that because God is omniscient and infallible, He "would never contradict himself." So this is the most fundamental interpretational policy posited by the set of interpretational policies this booklet calls the "Reformed hermeneutic": that the Bible has rational integrity, because God doesn't contradict Himself. The Hinduist interpreter was interpreting the passage as though the existence of God didn't matter, so his/her interpretation was inherently skewed and inconsistent with the analogy of faith. The analogy of faith

> rests on the prior confidence in the Bible as the inspired Word of God. It is, therefore, consistent and coherent. Since it is assumed that God would never contradict himself, it is thought slanderous to the Holy Spirit to choose an alternative interpretation that would unnecessarily bring the Bible in conflict with itself.[3]

This author takes this principle of rational consistency a step further, and holds that no fact in the extra-biblical universe, when properly vetted, can contradict the Bible's rational integrity. This is true in spite of the fact that sin and evil are pervasive in human societies, in spite of the fact that the Bible has been subjected to radical vandalism over the last three centuries, and in spite of the fact that human perception

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1 URL: http://BasicJurisdictionalPrinciples.net.

2 Sproul, **Knowing Scripture**, p. 46.

3 Sproul, **Knowing Scripture**, p. 47.

of extra-biblical facts is radically error-prone. Echoing the opinions of 21st-century Reformed theologians, this author claims that none of the higher-critical vandalism of the last three centuries can withstand intense scrutiny. Neither extra-biblical facts nor intra-biblical facts are generally on the side of the critics. This is true not only in regard to the "higher critics", but also in regard to claims from secular science and secular jurisprudence that have clearly aimed at diminishing the influence of biblical Christianity within those arenas. When proper hermeneutical principles are used, and when proper logic is applied to extra-biblical fact claims, the **eisegetical** superimpositions arising out of those fields are generally exposed as fallacious.

After the analogy of faith, the second interpretational policy within the Reformed hermeneutic is what Luther called the *sensus literalis*.

> One of the most significant advances of biblical scholarship during the Reformation was gained as a result of Luther's militant advocacy of the second rule of hermeneutics: The Bible should be interpreted according to its literal sense. This was Luther's principle of interpreting the Bible by its *sensus literalis*. …
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> …
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> … The principle of literal interpretation is a principle that calls for the closest kind of literary scrutiny of the text. To be accurate interpreters of the Bible we need to know the rules of grammar; and above all, we must be carefully involved in what is called *genre analysis*.[1]

The *sensus literalis* needs to be distinguished from what some modern theologians call "literal interpretation".[2] "Literal interpretation" via the Reformed hermeneutic is generally different from "literal interpretation" via non-Reformed hermeneutics. To explain this distinction, it's important to see that Reformed literal interpretation

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1 Sproul, **Knowing Scripture**, pp. 48-49.

2 Example: In his book, theologian Daniel Fuller quotes dispensationalist theologian, Charles Ryrie: "[S]ince literal interpretation results in taking the Scriptures at face value, it also results in recognizing distinctions in Scripture. … The extent to which [the interpreter] recognizes distinctions is the evidence of his consistent use of the literal principle of interpretation (DT 97)." (quoting Ryrie, **Dispensationalism Today**) — Although there has been movement among dispensationalist theologians towards use of the analogy of faith, their tradition is still based in use of a "face-value hermeneutic", a kind of literalism that attempts to discard anything and everything extra-biblical, except their pet presuppositions. — Fuller, Daniel P.; **Gospel and Law: Contrast or Continuum? The Hermeneutics of Dispensationalism and Covenant Theology**, 1980, Wm. B. Eerdmans Publishing Co., Grand Rapids, Michigan, p. 123,

inevitably involves both "genre analysis" and an understanding of the rules of grammar.

The rules of grammar have something significant in common with logic, at least in regard to the Reformed hermeneutic. Both grammar and logic exist in rational communication between humans regardless of whether the humans have formal understanding of these subjects or not. If the Bible were the only book that a society had, then it would certainly be possible for that society to discover rules of grammar from studying the Bible. But the rules of grammar are embedded in any given language regardless of whether one uses the Bible to recognize them or not. So the rules of grammar are largely extra-biblical, like logic, although there are certainly rules of grammar embedded in the Bible, both in the Bible's source languages and in the languages into which the Bible has been translated. The point that needs to be noticed here is that this is another case in which extra-biblical data, the rules of grammar, are useful in the proper interpretation of the Bible. So like logic, grammar supplies another instance in which extra-biblical data are useful in the literal interpretation of the Bible. Like logic and grammar, the same general idea applies to genre analysis.

The Bible is composed of many different kinds or genres of literature: lyric poetry, epic poetry, case law (legal briefs and judgments), historical narrative, hyperbolic expressions, symbolic literature, metaphorical language, and more. If the genre is not ascertained as a precursor to taking a passage literally, then taking the passage literally will probably miss the *sensus literalis*. For example, in John 10:9 Jesus says, "I am the door". If this is not first understood to be a metaphorical expression, then the literalist must necessarily conclude that Jesus must be claiming that He has hinges instead of arms and legs. The *sensus literalis* demands that this passage first be understood to be metaphorical language.

It's important to note that genre analysis may also require extra-biblical information. If a society had access to no other books besides the Bible, given enough time and intelligent commitment, the society could certainly discover genre analysis strictly through Bible study. However, the Bible has rarely existed in such a literary vacuum. So there's no doubt that genre analysis as a field of study applicable to the Bible has benefited from genre analysis as it has been applied and developed in regard to extra-biblical literature. This is important because it marks another distinction between extra-biblical information that can be used to enhance the Reformed hermeneutic, and extra-biblical information that inherently violates the Reformed hermeneutic. The former enhances proper Bible interpretation, while the latter does exactly the opposite.

In addition to the analogy of faith and the *sensus literalis*, the third crucial principle constituting the Reformed hermeneutic is the "grammatico-historical method". The grammatico-historical method "focuses our attention on the original meaning of the text lest we 'read into Scripture' our own ideas drawn from the present."[1] This "method focuses attention … upon grammatical constructions and historical contexts out of which the Scriptures were written."[2] Similar to the way grammar combines with genre analysis to help the student to discover the *sensus literalis*, grammar is also crucial to this third principle of the Reformed hermeneutic.

> Historical analysis involves seeking a knowledge of the setting and situation in which the books of the Bible were written. This is a requisite for understanding what the Bible meant in its historical context. This matter of historical investigation is as dangerous as it is necessary. … The necessity is there for a proper understanding of what has been said. Questions of authorship, date and destination of books are important for a clear understanding of a book. If we know who wrote a book, to whom, under what circumstances, at what period in history, that information will greatly ease our difficulty in understanding it.[3]

This explanation of historical analysis supplies a cogent understanding of the historical side of the grammatico-historical method. But what about the grammatical side? All written statements have some kind of grammatical structure.

> When dealing with scripture, it is important to know the difference between a direct object and a predicate nominative or predicate adjective.[4]

Knowledge of the grammar of the biblical source language (Greek or Hebrew) is important as an aid to historical analysis. Example:

> [W]hen Paul says at the beginning of his Epistle to the Romans that he is an apostle called to communicate "the gospel of God," what does he mean by *of*? Does the *of* refer to the content of that gospel or its source? Does *of* really mean "about," or is it a genitive of possession? The grammatical answer will determine whether Paul is saying that he is going to communicate the gospel *about* God or whether he is saying he is going to communicate a gospel that comes *from* God and belongs to God. There is a big difference between the two that can only be resolved by

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1 Sproul, **Knowing Scripture**, p. 61.

2 Sproul, **Knowing Scripture**, p. 56.

3 Sproul, **Knowing Scripture**, p. 57.

4 Sproul, **Knowing Scripture**, p. 56.

> grammatical analysis. In this case the Greek structure reveals a genitive of possession which answers the question for us.[1]

Like the other principles of interpretation within the Reformed hermeneutic, the grammatico-historical method is also somewhat dependent upon extra-biblical knowledge. Like the analogy of faith and the literal sense, the grammatico-historical method helps in the proper interpretation of Scripture in spite of the fact that it is somewhat extra-biblical.

These "three primary principles of interpretation", (i)the analogy of faith, (ii)the literal sense, and (iii)the grammatico-historical method, form the basis for reliable Bible interpretation. These principles are crucial to discovery of how to apply biblical principles to problems arising out of science, jurisprudence, and numerous other facets of human life. Although these three primary principles of interpretation are the basis for reliable Bible interpretation, they are not sufficient within themselves to keep people from misinterpreting the Bible. However, without them, Bible misinterpretation becomes far more likely. Because these three primary principles of interpretation, by themselves, cannot guarantee proper Bible interpretation, Reformed theologians also include what Dr. Sproul calls "*Practical Rules for Bible Interpretation*" within the Reformed hermeneutic. These practical rules are subsumed by these three overarching principles.[2] Dr. Sproul includes ten such rules in **Knowing Scripture**. Even though it may be comforting to know that there are only ten such practical rules in Sproul's book, there are probably other practical rules of interpretation within the voluminous literature of Reformed theology.

The author of this booklet is committed to following these three primary principles of the Reformed hermeneutic. He also generally agrees with all ten practical rules listed by Sproul. But he is also compelled to quibble over one of these ten rules. The third of these subsidiary rules is the rule that "Historical Narratives Are to Be Interpreted by the Didactic".[3] Dr. Sproul calls this a "rule of thumb", meaning that it is somewhat flexible and not a rigid rule. This author follows this rule, but also finds it necessary to test its flexibility.

Dr. Sproul posits arguments in favor of rule 3 that are largely valid. When he claims that, "Building doctrine from narratives alone is dangerous business",[4] it's difficult to find fault with his recognition of the hazards. But danger alone doesn't negate the necessity. As mentioned above, historical investigation is also

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1 Sproul, **Knowing Scripture**, pp. 56-57.

2 Sproul, **Knowing Scripture**, Chapter 4.

3 Sproul, **Knowing Scripture**, p. 68.

4 Sproul, **Knowing Scripture**, p. 73.

both dangerous and necessary. The author of this booklet claims that like historical investigation, building doctrines from the Bible's historical narratives is also both dangerous and necessary. Because this is the point at which this author may deviate slightly from the traditional conception of the Reformed hermeneutic, and because his above-mentioned works are all grounded to some extent in this deviance, the remainder of this hermeneutical prologue will focus on this discrepancy. Although this discrepancy exists, this author nevertheless claims emphatically that the hermeneutical principles he uses are well within the ambit of the Reformed hermeneutic, evidenced by the fact that they do not lead rationally to the negation of any fundamental tenets of Reformed theology. On the contrary, these hermeneutical principles simultaneously reinforce the doctrines of Reformed theology and manifest an agenda for healing the rift between Bible interpretation and secular knowledge bases.

Sub-Chapter 2:
Didactic versus Historical Narrative

It's important to expound points of agreement regarding this didactic-versus-narrative rule as a precursor to showing the rule's limitations. The points at which the rule is deficient revolve around the fact that most depositions of biblical law appear within historical narratives, while didactic passages generally act, among other things, to clarify the meanings of such depositions. Before examining points of agreement, it's probably prudent to define the difference between historical narratives and didactic passages. — A narrative is obviously a description, recitation, recounting, or reporting. A history is a chronological record of events. So historical narrative is a description, recitation, recounting, or reporting of chronological events. On the other hand, didactic describes something that is intended to instruct.

> The term *didactic* comes from the Greek word that means to teach or instruct. Didactic literature is literature that teaches or explains. Much of Paul's writing is didactic in character.[1]

According to Sproul, "the Reformers maintained the principle that the Epistles should interpret the Gospels rather than the Gospels interpret the Epistles."[2] He goes on to indicate that this is merely a "rule of thumb", and he goes on to give good reasons for the Reformers' commitment to this rule. Before showing the limitations of this rule, it's important to show that the Reformers had good reasons for this rule of thumb.

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1 Sproul, **Knowing Scripture**, p. 68.

2 Sproul, **Knowing Scripture**, p. 69.

> This order of interpretation is puzzling to many since the Gospels record not only the acts of Jesus but his teaching as well. Does not this mean that Jesus' words and teaching are given less authority than the apostles? That is certainly not the intent of the principle. Neither the Epistles nor the Gospels were given superior authority over the other by the Reformers. Rather the Gospels and Epistles have equal authority, though there may be a difference in the order of interpretation.[1]

Sproul rightly indicates that Gospels and Epistles have equal authority. Equal apostolic authority exists in each. It's also certain that the interpretation of the Gospels and Epistles must be rationally consistent. If Jesus had written the Gospels, then perhaps it would be right to recognize more authority in the Gospels. But Jesus wrote nothing in the New Testament, at least not immediately. So it must be true that the Gospels and Epistles have equal apostolic authority. The order of interpretation is Epistles (didactic) first, Gospels (historical narrative) second, because the didactic is clear while the historical narrative is more ambiguous. This order of interpretation is presumably based on "Rule 4: The Implicit Is to Be Interpreted by the Explicit". Much of the Epistles are didactic, intended to teach, and intended to clarify what appears in the Gospels. "Closely related to the rule of interpreting the implicit by the explicit is the correlate rule to interpret the obscure in the light of the clear."[2] Even though some teaching in the Gospels appears to be explicit because it is stated emphatically, more clarity on the given teaching can be found in the Epistles. Even though the historical narrative is absolutely critical to show what happened, the implications of such happenings are often not clear, and need the clarification that the Epistles provide. Even so, the didactic and historical narrative are equal in apostolic authority, even though Jesus' actions and teachings are recorded in the historical narratives.

> If Paul and Peter and the other New Testament authors received their authority as apostles from Jesus himself, how can we criticize them in their teaching and still claim to follow Christ? This is the same issue that Jesus took up with the Pharisees. They claimed to honor God while they rejected the One God sent and bore witness to. They claimed to be children of Abraham while they rued the One who caused Abraham to rejoice. They appealed to the authority of Moses while rejecting the One of whom Moses wrote.[3]

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1 Sproul, **Knowing Scripture**, p. 69.

2 Sproul, **Knowing Scripture**, p. 78.

3 Sproul, **Knowing Scripture**, pp. 70-71.

So these circumstances confirm that it's foolish to claim any difference in apostolic authority between the Epistles and the Gospels.

Sproul indicates that one of the reasons this rule of thumb is important is because "drawing too many inferences from records of what people" did is hazardous. This is true even if the exemplary people are Jesus and the apostles. Jesus was a sinless man who had a calling radically beyond the calling of any other human. To infer from His actions that all Jesus' followers should act the same way fails to adequately account for the fact that all other humans are sinful, and therefore have callings appropriate for sinners. Another hazard exists with regard to any proposal to emulate the saints. The Bible's historical narrative

> records not only the virtues of the saints but their vices as well. The portraits of the saints are painted wart and all. We have to be careful not to emulate the "wartiness." To be sure when we read of the activities of David or Paul, we can learn much since these are the activities of men who achieved a high degree of sanctification. But should we emulate the adultery of David or the dishonesty of Jacob? God forbid.[1]

So "extrapolating points of character and ethics from the narrative" is inherently hazardous. Sproul goes on to indicate that this hazard also extends into "extracting doctrine" from narratives.

> Building doctrine from narratives alone is dangerous business. I am sad to say that there appears to be a strong tendency for this in the popular evangelical theology of our day.[2]

It's important to notice that Sproul is not saying, *Don't use narratives at all*. He's saying, *Don't use narratives alone.* In fact, according to this rule, didactic comes first in the interpretive process. In other words, according to this traditional conception of the Reformed hermeneutic, the didactic is a control for understanding the historical narratives, rather than the other way around.

Dr. Sproul continues giving good reasons for this rule by pointing out "*The Problem of Phenomenological Language in Historical Narrative*". "Phenomenological language is that language which describes things as they appear to the naked eye."[3] A classic example of phenomenological language is language that speaks of the sun rising or setting. This way of speaking is inherently a function of the geocentric conception of the solar system. In the heliocentric conception, the sun doesn't rise or set, but rather the earth spins on its axis as it rotates around the sun. Nevertheless,

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1 Sproul, **Knowing Scripture**, p. 72.

2 Sproul, **Knowing Scripture**, p. 73.

3 Sproul, **Knowing Scripture**, p. 73.

even to the naked eyes of modern humans, the sun still looks like it's rising and setting. This means that Bible students should be wary about building doctrines based on the narrative's phenomenological language.

These citations of these hazards in historical narratives should definitely be heeded, and it's certain that rational consistency must exist between didactic passages and historical narratives. Even so, there's a good reason for calling this a "rule of thumb" rather than a rigorous principle. A rule of thumb should be loosely held, rather than rigorously held, because of the tendency for the rule to prove itself deficient in manifesting rational consistency between didactic and narrative. It's deficient most emphatically in regard to biblical law. This is true even while all of what the Epistles say about biblical law is true.

By implicitly following this rule the early Church gained reliable guidelines for establishing and maintaining their local churches. For instance, the qualification for deacons in 1Timothy 3 clearly must have aided non-Jewish believers to start new churches. Such instructions don't really appear so much in the Gospels. Also, Paul's emphatic warnings about Judaizers do not appear in the Gospels. Without the rejection of the radical Judaizers, the legal burden on non-Jewish converts would have been a major impediment to their conversion (Acts 15). There are numerous other aspects of the Epistles that teach doctrines far more clearly than the Gospels do. The most important is soteriology, the knowledge of how God saves His elect. In fact, biblical soteriology is nowhere expounded more clearly than in Paul's Epistles. There is utter agreement between the Epistles and the Gospels in regard to soteriology. Without Paul's clear teaching in his epistles about this subject, the fundamental doctrines of the Reformation could not have been developed. These facts, plus facts given by Sproul regarding rule 3, plus many other facts too numerous to recount them all here, make it obvious that in regard to most issues, using the Epistles as a control in the interpretation of the Gospels is a worthy rule. However, using the Epistles as a control in the interpretation of historical narratives in the Old Testament has limitations that relate to the fact that biblical law, especially biblical covenants, are embedded in those historical narratives. By following this rule, it eventually becomes clear that there is one absolutely crucial subject about which this rule of thumb is deficient. — There are some subjects about which neither the Epistles nor the Gospels are as clear as one may wish, but that doesn't impugn the Bible's perspicuity. It may mean that other passages should be examined or other hermeneutical principles used. By comparing rule 3's application to two different subjects, the limits of this rule should become obvious. The two subjects are Paul's castigation of Judaizers and his instructions in Romans 13:1-7.

Part I

Chapter 2:
Paul's Castigation of Judaizers

Among the apostles, Paul clearly had a unique ministry. His ministry was almost entirely to non-Jews. He makes it clear in Romans 9-10 that even though there is no distinction between Jews and non-Jews in regard to salvation, because all are saved through the same gracious process, nevertheless, Jews, as a group, have a unique calling:

> They are Israelites, and to them belong the adoption, the glory, the covenants, the giving of the law, the worship, and the promises. To them belong the patriarchs, and from their race, according to the flesh, is the Christ, who is God over all, blessed forever. Amen.
>
> (Romans 9:4-5; **ESV**)

Paul makes it clear that God is utterly sovereign over the salvation process, and there are elect from every nation, and there are damned from every nation. The Jewish people are no exception to this, even though they, as a people, have a unique calling. If the Jewish people have a unique calling, then there must also be a unique place in God's plans for non-Jewish groups of people.[1] Essentially, Paul's mordant castigation of people who insisted that non-Jewish converts to Christianity be circumcised, be subject to Levitical dietary laws, be subject to Levitical standards of cleanness, *etc.*, arose out of a serious difference of opinion between the Judaizers and Paul about the uniqueness of the non-Jewish calling. Paul's opponents essentially insisted that non-Jewish Christians must be proselytes to Judaism, whereas Paul knew that non-Jewish converts are not generally called into the fold of Judah, even though they are certainly called into the sheepfold of the Messiah. There was, and is, a profound jurisdictional distinction between the Jewish calling and the non-Jewish calling. Genuine salvation under the Messiah does away with neither calling even though Jews and non-Jews alike are saved by precisely the same sovereign process. — This distinction is most clearly conceived as a jurisdictional boundary. Notice that jurisdiction is a legal concept that is common throughout the Bible, even though the word itself is not common in either testament.[2]

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1 If this is not so, then why does Revelation 7:9 say, "I looked, and behold, a great multitude … from every nation, from all tribes and peoples and languages, standing before the throne and before the Lamb"? If these saved people lost their ethnic identities in the process of being regenerated, then why does the Apostle John mark their ethnicity?

2 Numerous translations into English translate *exousias* (Strong's #1849) into "jurisdiction" in Luke 23:7. Also, several translations into English, including the **NASB**, translate *kurieuo* (Strong's #2961) in Romans 7:1 into "jurisdiction". Use of this word in

Scattered throughout the Epistles and Acts of the Apostles are descriptions of the friction between Paul and some of the other apostles and elders regarding the compulsion to Judaize. These include descriptions of the tendency to compel non-Jewish people who have converted to Christianity to also be converts to Judaism (*i.e.*, to Judaize). Paul's arguments on the side of the uniqueness of the non-Jewish calling are clear and forceful, and they stand as examples of why the didactic should be used as a control in interpreting the historical narratives. In contrast to Paul's clarity on this subject, both the historical narrative and the didactic indicate that there was substantial waffling on this subject among Jewish Christians, and even among the Apostles. Nevertheless the historical narrative in Acts 15 indicates that all the apostles and elders agreed to demand of non-Jewish converts only a few minimal requirements instead of all that the Pharisees demanded. In contrast to the clarity on the non-Jewish side of this jurisdictional distinction, the clarity on the Jewish side is lacking. Following rule 3, and using Paul's Epistles as a control in interpreting historical narrative, the didactic and the narrative are clear about the non-Jewish side of the jurisdictional boundary. But with the exception of the Epistle to the Hebrews, the concerns of Jewish converts, as Jews, go largely unaddressed. In fact, Hebrews tends to reinforce Paul's side of the argument. So the tacit assumption by Judaizers, that Christianity is inherently a subset of Rabbinical Judaism, is thoroughly debunked by Acts and the Epistles. So if Christianity is not merely a subset of Rabbinical Judaism, then how is it possible for a Jewish convert to Christianity to be a Christian and a Jew at the same time? A Frenchman, a member of an African or South American tribe, or a Chinese man, each retains his/her ethnicity after conversion. So how do Jews retain their ethnicity after conversion? How should Jews be simultaneously followers of their Messiah, Jesus Christ, and followers of Moses?

For Jews to be bona fide believers in their Messiah, and to be Jews in the fullest sense at the same time, they needed a major renovation of their interpretation of the Tanakh (the Old Testament). The Epistle to the Hebrews certainly goes far in that direction, while other epistles help little, Acts is ambiguous, and so are the Gospels. Given the breadth of the Talmud, there was vastly more reinterpretation that needed to be done. Because Jewish Christianity was squeezed by Rabbinical Judaism on one side, and Romans and other Gentiles on the other, this systematic reinterpretation never happened, and Jewish Christianity eventually disappeared from the historical landscape. So even though Paul makes it clear that Jews have a unique calling, even while they are NOT subject to a unique system of salvation, there is inadequate detail in both the Gospels and the Epistles regarding reliable doctrines that are unique to

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English translations is probably becoming more common as this word has become more common in American vernacular.

Jewish Christianity as an ethnic subset of Christianity. Because the core literature of Judaism is the Torah (the Pentateuch), there is a need, even to the present day, to find rational consistency between the five books of Moses and the Scriptures of the New Testament, meaning a consistency that recognizes the uniqueness of the Jewish calling while simultaneously repudiating any claim that Jews are saved by some means other than the universally applicable soteriology described by Paul and affirmed via the Reformed hermeneutic. The three overriding principles of the Reformed hermeneutic are certainly crucial to such an endeavor. But such an endeavor cannot be properly undertaken without recognition of **progressive revelation**,[1] and without a sound understanding of the jurisdictions and other legal concepts that implicitly exist scattered throughout the Bible's historical narrative. In fact, it's not likely to be accomplished properly until another interpretational agenda is satisfied, an agenda that relates to Romans 13:1-7. Like the agenda regarding Romans 13, the Jewish Christian interpretational agenda requires loosening the control that the New Testament's didactic has over the Old Testament's historical narrative, for the sake of getting a reliable interpretation. Generally, regarding soteriology, grace, and God's sovereignty, this control should remain firm. But regarding sanctification and law, the control should not be so strict that it distorts the narrative. How and why this is true should be apparent as this booklet proceeds.

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1 **progressive revelation** — God's special revelation to human beings chronologically, over time. According to Moses, "The secret things belong to the Lord our God: but the things that are revealed belong to us and to our children forever, that we may do all the words of this law." (Deuteronomy 29:29; **ESV**). "At each stage in redemptive history, the things that God had revealed were for his people for that time, and they were to study, believe, and obey those things. With further progress in the history of redemption, more of God's words were added, recording and interpreting that history …." — Grudem, Wayne; **Systematic Theology: An Introduction to Biblican Doctrine**, 1994, Zondervan Publishing House, Grand Rapids, Michigan, p. 130. — So **progressive revelation** means special revelation that is progressive and cumulative.

Part I

Chapter 3:
Romans 13:1-7

Because Paul's ministry was primarily to non-Jews, it's reasonable to believe that he wrote Romans primarily to non-Jews in Rome. There were probably Jewish Christians scattered throughout his primary audience, but his audience was probably primarily non-Jewish Christians. This is important because it indicates that he wrote Romans 13:1-7 primarily to non-Jews. In that passage Paul is again addressing jurisdictional distinctions, this time the jurisdiction of "governing authorities". — Although there are other passages in the Epistles that address the subject matter of Romans 13:1-7, none do it so clearly.[1] In some respects this passage has pristine clarity on its face, but in other respects, it's seeming clarity hides problems that surface through understanding past what's so obviously in the text. In other words, this passage is layered. Each layer is true, but each layer has a distinct interpretation depending upon hermeneutical policies. In modern American Christianity, the facial layer is the preferred interpretation. From the perspective of the non-facial layer, the facial layer is true, but offers insufficient guidelines for action in everyday life.

Romans 13:1-7 is reputed to have been Adolf Hitler's favorite Bible passage, and he no doubt believed that it should be interpreted with its superficial clarity. Because it's written to Romans, it's clear that "governing authorities" would include emperors like Nero. The opinion that this passage is as clear as it needs to be appears to be pervasive in American Christianity these days. Evidence that this is true can be seen in the fact that American churches have almost universally entered into contracts with the Internal Revenue Service, thereby giving these churches a submissive status under United States Code, Title 26, section 501, and thereby violating Paul's exhortation to avoid entering into contracts with people outside the Christian community (2 Corinthians 6:14-18). Focusing on this passage in Romans will show why, even though it appears to be clear on its face, it needs clarification. Focusing on it will thereby show the dangers of too closely following "Rule 3: Historical Narratives Are to Be Interpreted by the Didactic". It will also show the dangers of too closely following "Rule 4: The Implicit Is to Be Interpreted by the Explicit", especially including rule 4's corollary, "interpret the obscure in the light of the clear". These rules are problematic when explicit clarity is assumed to be sufficient when in fact it is not sufficient, because the explicit clarity leads the interpretation into internal contradiction.

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1 This is why this hermeneutical exposition will generally refer to these other passages and Romans 13:1-7 together as "Romans 13 passages".

1 Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God.
2 Therefore he who resists authority has opposed the ordinance of God; and they who have opposed will receive condemnation upon themselves.
3 For rulers are not a cause of fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good, and you will have praise from the same;
4 for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil.
5 Wherefore it is necessary to be in subjection, not only because of wrath, but also for conscience' sake.
6 For because of this you also pay taxes, for *rulers* are servants of God, devoting themselves to this very thing.
7 Render to all what is due them: tax to whom tax *is due;* custom to whom custom; fear to whom fear; honor to whom honor.

(Romans 13:1-7; **NASB**)

It's obvious on its face that when Paul speaks of "governing authorities" in this passage, he's referring to sword bearers. He's not speaking specifically about any number of other kinds of authorities one might have in one's life, like father, mother, teacher, pastor, *etc*. He's speaking specifically about whoever is part of the secular government, whether it be king, queen, president, prime minister, congress, judge, policeman, councilman, mayor, tax collector, legislator, *etc*. Because this passage, as well as other similar passages in the Epistles, pertains to secular government, it obviously involves the existence of human laws, meaning laws that humans impose upon other humans. It also involves the specific jurisdiction of secular government. On its face, Paul appears to be here recommending that everyone in his audience, especially the non-Jewish Christians who are the primary component of his audience, be obedient to secular authorities without any recognition of limits to the jurisdictions of those authorities. Because secular governments appear throughout human societies, both Jewish and non-Jewish, the rules being established in this passage obviously pertain to the realm of common grace generally. They apply to all people everywhere, but especially to people who recognize Paul's authority. One of the reasons it's necessary to recognize a two-tiered interpretation of this passage is because of the fact that Paul cites no jurisdictional limits to these authorities, and it's necessary to search the historical narrative to find such limits.

Sub-Chapter 1: Facial Layer

On its face, Paul in this passage is mandating universal obedience to "the governing authorities", also known as "the higher powers" (**KJV**) (v. 1). Neither of these translations is controversial, largely because the nature of these entities is explained in verses three and four. By "governing authorities", Paul means "rulers" (v. 3) who "bear the sword" (v. 4). A face-value reading of this has a clear meaning: *Obey the government and be submitted to it.*[1] Because this understanding appears to be so obviously clear under a face-value interpretation, it may on its face seem obvious that utter obedience is the proper interpretation. This is confirmed by the corollary to rule 4, which says that the obscure should be interpreted by the clear. On its face, this appears to be so clear that one might tend to conclude that this passage should be used as a control for interpreting the rest of Scripture. But if this face-value interpretation implicitly contradicts other passages in the didactic, and therefore fails the clarity test, then it's reasonable to forgo using this passage as a control for the rest of Scripture, and it's reasonable to seek a better interpretational policy. Consideration of whether this face-value interpretation is clear or not inevitably involves a question about whether Paul would ever be deliberately vague, but with a veneer of clarity, in his writing a God-breathed, inerrant, true, and infallible passage of Scripture. Given Deuteronomy 29:29, "The secret things belong to the Lord our God, but the things revealed belong to us and to our sons forever", it's reasonable to consider the possibility that Paul deliberately left some things unsaid, because he knew that his primary audience was not ready to hear the whole truth about these "governing authorities". Given the natures of historical progress and **progressive revelation**, it's reasonable to consider the possibility that what he was deliberately not saying about the jurisdiction of governing authorities he knew would be discovered in time through Bible study, because the issue was already covered in Scripture. Perhaps Paul knew, as a divinely inspired author, that what he was saying then with a veneer of clarity would eventually become genuinely clear through more astute Bible interpretation. So he probably wrote it to have a layered, two-tiered meaning, one layer for the people then, and another layer for the people now; one layer for people who had minimal exposure to Scripture, and another layer for people who understand the Bible's **progressive revelation**; the text remaining inerrant and infallible in both cases. Before attempting to go beyond the facial clarity, it's important to see what depth that facial layer contains. So here

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1 "[F]ace-value reading" should be understood to mean a reading that is literal, not in the *sensus literalis* comprehension of the word "literal", but literal as defined within a non-Reformed hermeneutic that presumes to disallow practically all extra-biblical concepts.

will be a focus on what the face-value interpretation is, and the issue of whether it's clear or not will be addressed shortly.

In the second verse, Paul says, "he who resists authority has opposed the ordinance of God". It's clear that Paul is setting up a very serious proscription here. There is little or no controversy regarding the source language, and this **NASB** translation is close enough. Because Paul is mandating a proscription here, it's crucial to understand the underlying meaning of "authority" and "ordinance of God". It's clear that whatever "authority" there may be arises out of "the ordinance of God". What is this ordinance? Where does this ordinance come from? People who use some hermeneutic other than the Reformed hermeneutic may be at a loss to answer these questions rigorously. But for people who have studied the Epistles rationally, the phrase, "there is no authority except from God", appears on its face to indicate that the ordinance the apostle is referring to here is part of God's **decretive will**. For an explanation of what God's **decretive will** is, consider the Westminster Confession of Faith, Chapter III, I:

> God from all eternity, did, by the most wise and holy counsel of His own will, freely, and unchangeably ordain whatsoever comes to pass; yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established.[1]

The part of this quotation that pertains most specifically to God's **decretive will** is the phrase that ends at the first semicolon: "God from all eternity, did, by the most wise and holy counsel of His own will, freely, and unchangeably ordain whatsoever comes to pass". In the version of the WCF that has proofs, the footnote attached to this phrase cites four verses from the Epistles as foundational: Ephesians 1:11; Romans 11:33; Hebrews 6:17; and Romans 9:15. This shows that the Westminster divines were basing their claim primarily on the didactic.

God's **decretive will**, or "will of decree", is whatever God decreed from the beginning of time to come to pass, which includes all the things that God providentially causes, where those things might be recognizable by humans in chronological time. Accordingly, there can be no doubt about the fact that God decreed from the beginning of time the existence of such "governing authorities". This is confirmed by the sentence, "there is no authority except from God, and those which exist are established by God" (v.1). So anyone who resists such authorities is putting his/her self at odds with God's **decretive will**, and such people "will

1 Westminster Confession of Faith (WCF), 3.1. — URL: http://www.reformed.org/documents/wcf_with_proofs/index.html, retrieved 5 January 2016.

receive condemnation upon themselves" (v.2). Each of the "rulers" who constitute the "governing authorities" is "a minister of God to you for good" (v.4). So if one does good, one will have praise from these authorities (v.3). On the other hand, if one does evil, then one will suffer by way of these rulers because this authority is "an avenger who brings wrath upon the one who practices evil" (v.4). Because these governing authorities have been set in place by God's **decretive will**, "it is necessary [for one] to be in subjection" (v.5). So it is necessary for people to be in subjection, (i)because God, through His **decretive will**, has given these rulers their authority; (ii)for the sake of avoiding the ruler's wrath; and (iii)"for conscience's sake" (v.5). Interpreting this passage based on the face-value, vernacular meanings of the words, combined with the assumption that the "governing authorities" are rulers because it's God's **decretive will** that they be such, leads rationally to the conclusion that "every person [should] be in subjection", and should give taxes, customs, fear, and honor to them. And every person should do so without regard for the jurisdictional limitations under which these rulers rule.

There can certainly be no doubt that in the **decretive** sense, God has, in fact, ordained such governing authorities. From the **decretive** perspective, God has ordained both good government and bad government. So even though God has decreed these things from the beginning of time, God is not the author of sin, suffering, or evil, and God's purpose in allowing these things is ultimately good and benevolent to the human race in general. Even so, sin and evil are things that humans suffer every day, and it's part of the human condition that every human should be morally accountable and take responsibility for these things as they arise in the given person's life. This necessarily leads to recognition of another aspect of God's will, God's **preceptive will**.

In Romans 13:3, the apostolic author says that "rulers are not a cause of fear for good behavior, but for evil". In verse 4, he says that the ruler "is a minister of God to you for good". Even in Paul's day, any given person could examine the behaviors of the governing authorities and see that the extra-biblical facts stood as evidence denying Paul's claims. The behaviors of Nero and Caligula were notoriously evil. Nero and other emperors turned murdering Christians into a sport. No doubt Paul was fully aware of this. Even so, he was convinced that "God causes all things to work together for good to those who love God, to those who are called according to His purpose" (Romans 8:28; **NASB**). So even when tyrants are in control of the government, and are behaving badly, what the tyrant means for evil, God means for good. So as long as God's people behave well, they should not fear the ruler. Even if the ruler is a despot like Nero, Hitler, or Stalin, God's people should not be afraid of him because God is ultimately in control of even the most evil tyrant. The office

of "governing authorities" has been ordained by God, not only by God's **decretive will**, but by His **preceptive will** as well. So the office of the governing authority must be honored, respected, *etc.*, even if the human who occupies the office has gone rogue. This is essentially the meaning of the passage from the face-value perspective. It should be obvious to anyone who uses the Reformed hermeneutic that this face-value interpretation is absolutely correct. Even Christians who are being rounded up to be fed to lions can find solace in the fact that God is ultimately in control of even the most murderous and tyrannical ruler. For people who have absolutely no control of secular government, this face-value interpretation is both true and a solace. But what about people who have some control of such secular government? What about people who not only have some control, but who have duties and responsibilities as actors and agents of secular government? If they sit idle while the Bride of Christ is being fed to lions, can they find solace? This possibility, that God's elect and regenerate would have some say over how the secular government operates, demands a completely different layer of interpretation. The face-value layer stands true and undeniable based on the fact that God's **decretive will** is an undeniable facet of Christian orthodoxy. But doesn't the Bible somewhere and somehow instruct people in how to be good rulers? And doesn't the Bible somehow and in some way give clear instructions to those called to be in subjection to such rulers, about where to draw the line between cooperation with tyrants and resistance to tyrants?

Sub-Chapter 2:
Why & How the Face-Value Interpretation Is Not Clear Enough

While God's **decretive will** pertains to "whatsoever comes to pass", God's **preceptive will** is more specifically aimed at humans. God's **preceptive will** is a subset of God's **decretive will**. While the **decretive will** of God cannot be resisted by humans, His **preceptive will** not only can be resisted by humans, but is often resisted. God's **preceptive will**, also known as His "will of precept", is that aspect of His **decretive will** in which He has decreed the precepts by which human beings should live. All human beings are responsible, whether they like it or not, to live in accord with God's **preceptive will** if they want to live in harmony with God. Because rulers are human, this obviously includes them. For anyone who has any responsibilities in secular government, this means that such rulers should be extremely concerned about what the **preceptive will** of God is. Paul clearly did not go into discussing God's **preceptive will** for rulers, probably because there were few, if any, rulers in his audience, because expounding law in such detail was so distant from the core of his ministry, and because he knew that the general need for such wisdom, in God's plan, would not arise for long after he had graduated from this

world. In fact, going into such a subject was so tangential to Paul's ministry that he probably deliberately avoided going into it. He knew that such concerns needed to be left to future generations, and he knew that there would be a time in the future when Christ's Bride would be mature enough to be genuinely concerned about such issues. He knew that the information was already in Scripture, so there was no reason for him to go into it in more detail.

People who follow the Reformed hermeneutic have practically never interpreted this passage in this purely facial manner. It's obvious that people have duties to be good stewards of what God gives them. So if the governing authority mandates that his/her subject squander God's property, then it's reasonable that the subject would balk. This is precisely why it's not possible to utterly ignore God's **preceptive will** when interpreting this passage. As evidence that genuine followers of the Reformed hermeneutic have never interpreted this passage purely at its face value, consider an excerpt from a letter that Martin Luther wrote to the German aristocracy:

> We now come to the main part of this sermon. We have learnt that there must be secular authority on this earth and how a Christian and salutary use may be made of it. Now we must establish how long its reach is, and how far it may stretch out its arm without overreaching itself and trenching upon God's kingdom and government. This is something about which we need to be quite clear. When [secular government] is given too much freedom of action, the harm that results is unbearable and horrifying, but to have it confined within too narrow a compass is also harmful. In the one case there is too much punishment, in the other too little. … Secular government has laws that extend no further than the body, goods and outward, earthly matters. But where the soul is concerned, God neither can nor will allow anyone but himself to rule. And so, where secular authority takes it upon itself to legislate for the soul, it trespasses on [what belongs to] God's government, and merely seduces and ruins souls. … You should know that a prudent prince has been a rare bird in the world since the beginning of time, and a just prince an even rarer one. As a rule, princes are the greatest fools or the worst criminals on earth, and the worst is always to be expected, and little good hoped for, from them, especially in what regards God and the salvation of souls. For these are God's jailers and hangmen, and his divine wrath makes use of them to punish the wicked and maintain outward peace.[1]

1 Martin Luther, "On Secular Authority" (1523 AD, a sequel to "Appeal to the German Nobility", 1520). — URL: https://www.tapestryofgrace.com/year2/corrections/pdcs/

Even though Luther doesn't mention Romans 13 here, it's clear that in his opinion, that passage should not be limited to a facial interpretation. In other words, in Luther's opinion, God's ordination of "governing authorities" through His **decretive will** did not exist devoid of God's **preceptive will**. Both rulers and subjects must have precepts by which each chooses his/her actions relative to the other. Because it's no doubt true that the just prince is a rare bird, it follows that many of the prince's actions relative to his subjects were, and are, unjust. If the prince were not so unconscious of, or unconcerned about, God's **preceptive will**, he would not be so unjust. On the other hand, each subject's consideration of God's **preceptive will** necessarily poses a problem to the subject: To what extent will the subject cooperate with the prince's injustice and in so doing exercise *de facto* poor stewardship over what God has given him/her? Over the centuries, the front lines of this righteous disobedience have shifted with the people's understanding of, and commitment to, God's holiness and their intrinsic duties. It's certain that interpreters like Luther, who recognize both God's **decretive** and God's **preceptive** wills, are less likely to be enablers for tyrants than interpreters who believe in a more facial interpretation. But these more sophisticated interpreters have still not proposed a reliable way to draw the line.

If Luther did not strictly adhere to a facial interpretation of Romans 13, it's silly to think that other people dedicated to using the Reformed hermeneutic would thus strictly adhere. Luther was a student of Augustine, and Augustine must also have had a both-**decretive**-and-**preceptive** approach to interpreting this passage. This is evident in a famous legal maxim from Augustine's *De Libero Arbitrio* (**On Free Choice of the Will**): *Lex iniusta non est lex* (An unjust law is no law at all.).[1] If an unjust law is no law at all, then every time the prince issues an unjust edict, he is simultaneously issuing a license for anyone who knows it's unjust to treat it as though it were no law at all. This, of course, appears, on its face, to totally contradict the facial meaning of the passage in Romans. Is it in fact a contradiction?

Reason demands that both God's **decretive will** and His **preceptive will** be crucial to the proper interpretation of Romans 13. This does appear to lead the passage into a maze of contradiction. Among other things, the maze of contradiction exists because the vernacular of the facial reading implicitly but inevitably puts the ruling class above the law that applies to everyone. But by strictly following the Reformed hermeneutic, there is no contradiction inherent in this passage, and the passage is not inherently in logical contradiction with any other part of Scripture. What's

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Govt2-16 (On Secular Authority).pdf, retrieved 17 March 2017.

1 Augustine of Hippo, **On Free Choice of the Will**, Book 1, translated by Thomas Williams, Hackett Publishing Co., Inc., Indianapolis, 1993; p. 8.

going on here is that Bible interpreters in general have not found the *sensus literalis* of this passage. Bible interpreters over the centuries have interpreted this passage in a way that gives them a false sense of security about "how long its [(secular authority's)] reach is". Luther claims that "Secular government has laws that extend no further than the body, goods and outward, earthly matters". In other words, he claims that secular government has lawful subject matter jurisdiction over these things, and that such lawful jurisdiction extends no further than that. This generalization is far too nebulous to help either the rulers or the subjects to discern precisely where this jurisdictional boundary is. In fact, Romans 13:1-7 is a genre of literature that has been inadequately recognized in the history of Christian Bible interpretation, and that's precisely why this passage is generally not interpreted properly even by the best **exegetes**. To properly interpret this passage, it must be interpreted within its *sensus literalis*. It's necessary to recognize that many of the terms that Paul uses in this passage are terms of art. The art is jurisprudence, meaning the arena of human law. Example: The expression, "governing authorities" has an obvious meaning in the vernacular, and that meaning is used in the default, facial comprehension of the passage. The vernacular says that Paul is talking about the agents of whatever government happens to be in power wherever his audience happens to be. It's certain that it is God's **decretive will** that those authorities be in power in that particular place. But perhaps the Bible also proposes, through God's **preceptive will**, the qualifications for office and how those "governing authorities" should exercise their power. If this is the case, then "governing authorities" must necessarily be a term of art referencing that aspect of God's **preceptive will**. If God's **preceptive will** about what secular human law should be genuinely exists in Scripture, then it's necessary to take most of the terms in this passage as terms of art that derive from God's **preceptive will**. Hence, every word and phrase in this passage needs to be treated as possibly being a term of art that references the jurisprudential portion of God's **preceptive will**.

Over the centuries, Christian Bible interpreters have gained a false sense of security about this passage by making generalizations like Luther made in his letter to the German aristocracy. The generalizations may be true, but the generalizations don't keep them from failing to interpret this passage in a way that eliminates the contradictions that result from failure to find the *sensus literalis*. The generalizations merely mask the failure to find the *sensus literalis*. The same situation exists with respect to other passages in the Epistles that pertain to secular human law. Bible interpreters, including Reformed Bible interpreters, have failed to recognize the terms of art that exist in these passages and that derive from that aspect of God's **preceptive will** in which God prescribes secular human law. This is not to point an accusing finger at anyone. Instead, this is to recognize that this and other passages of

the Bible fall within a special genre of literature that, over the centuries, has generally not been adequately recognized as being in Scripture.[1] Proper interpretation of such passages is somewhat dependent upon the secular field of jurisprudence. In the same way that the concept of jurisdiction exists both in Scripture and in secular jurisprudence, all these other terms of art must reference concepts that exist in both Scripture and secular jurisprudence. But secular jurisprudence was not adequately enough developed when Paul wrote Romans for him to go into an exposition of how these sundry jurisprudential concepts can be found in the Bible. In the same way that the secular fields of logic, grammar, and genre analysis have developed since Paul's day, and that these secular fields are helpful in orthodox Bible interpretation, the field of jurisprudence has developed and can be helpful in the interpretation of jurisprudential passages. In fact, this passage cannot be properly interpreted without recognizing it as within this special genre of literature. Without such a recognition, the *sensus literalis* of this passage cannot be comprehended.

This claim that Romans 13:1-7, and other similar passages in the Epistles, cannot be properly interpreted without first recognizing them as within a special genre of literature, namely jurisprudential literature, demands that three other associated claims be true: (i)that there is, in fact, a body of biblical literature that can be identified as God's prescription of secular human law; (ii)that the field of secular jurisprudence has sufficiently developed to facilitate reliable **exegesis** of God's prescription of secular human law; and (iii)that such an **exegesis** of God's prescription of secular human law provides the jurisprudential concepts necessary to treat the nomenclature in this and other similar passages as jurisprudential terms of art.

Whether or not secular jurisprudence has developed adequately can only be sufficiently tested by discovering its concepts in Scripture and seeing that doing so makes jurisprudential passages more rational without skewing the truth that is obviously there. The way logic, rules of grammar, literary genres, and aspects of the grammatico-historical method can be recognized in Scripture and thereby confirm Scripture's rational integrity, jurisprudential concepts can be recognized in the same way. On the side of assuming that secular jurisprudence has developed sufficiently, in the same way that the Reformed hermeneutic assumes that logic, the rules of grammar, and the rules of genre analysis have developed sufficiently, a brief overview

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1 "Sufficient for the day is its own trouble" (Matthew 6:34b, **ESV**). Likewise, sufficient for the time is the time's interpretation of this passage. However, the 21st century is demanding an interpretation that more fully satisfies both God's **decretive will** and His **preceptive will** regarding the passage's subject matter. So it's demanding better recognition of this genre of literature.

of the development of secular jurisprudence within Christendom may be helpful. — After the Roman Empire was presumably Christianized under Constantine, there were several centuries in which Roman law developed under quasi-Christian influence. Such laws were later assembled into the Code of Justinian. At about the same time that the Code of Justinian was being assembled, the English common law started developing, largely with the help of Christian monasteries. In 1215 A.D. Magna Carta was signed by the English king, having been written by the Archbishop of Canterbury for the sake of bringing peace between the king and a group of barons. Shortly thereafter Thomas Aquinas wrote the **Summa Theologica** in which he made major contributions to the field of jurisprudence by way of his "Treatise on Law". The Protestant Reformation started a couple of centuries after Aquinas, and Magisterial Reformers like Luther and Calvin made major contributions to secular jurisprudence. As an adjunct to the English Reformation, Calvinists tried and succeeded in turning England into a republic, but the republic was short lived, largely due to a shortage of jurisprudential know-how. All this time, the English common law continued developing. Shortly before the American War for Independence, William Blackstone published his treatise on the English common law in his **Commentaries on the Laws of England**. Shortly after the publication of Blackstone's commentaries, the American colonies declared independence. They had been heavily influenced by Calvinistic theology. Where Cromwell and company failed, Americans would try again. After independence and the Articles of Confederation, the former American colonies adopted the Constitution and Bill of Rights, and they more gradually adopted the English common law as expounded by Blackstone. These new States thereby founded a republic based on the idea that human beings have natural rights, a unique undertaking in human history. Since then, American jurisprudence has continued to develop, in many respects badly, and in many respects quite the opposite. — Now, in the second decade of the 21st century, not just America, but all of Christendom, is being threatened with the utter rejection of all this jurisprudence that has developed in Christendom over the last two thousand years. Such rejection would be an absolute disaster, not only for the American Church, but for the entire human race. If for no other reason than this, it behooves Bible-believing people to do their best to find God's biblical prescription of secular human law as an aspect of God's **preceptive will**, where God's **preceptive will** is recognized to be an important part of God's **decretive will**.

Through His **decretive will**, God has certainly ordained tyrants to reign over the tyrannized, in the same way that He ordains hurricanes, volcanos, earthquakes, and other "acts of God". A facial reading of Romans 13 leads to the conclusion that God's ordination of such an undifferentiated state falls into this same category with natural disasters. The state, even if it fails to properly distinguish good from

evil in its policies and laws, acts as a goad to steer God's people towards their final destination. On the other hand, a reading of the entire Bible by anyone aware of basic jurisprudential concepts leads almost inevitably to the conclusion that God's **preceptive will** must have a crucial role in the proper interpretation of this passage, a role far beyond the generalization found in Luther's letter to the aristocracy. It's reasonable to doubt that God's **preceptive will** encourages any human or group of humans to tyrannize a subjugated human population. Given the grace that abounds in the New Testament, it's reasonable to doubt that such an undifferentiated state has ever been ordained in this **preceptive** sense. These circumstances clearly lead one to wonder if there is some place in Scripture that offers clarity about God's **preceptive will** as it pertains to secular human government and laws. But one can read the entire Bible and never notice a clear deposition of God's prescription of secular human law. There are numerous reasons for this, but to get down the road towards discovering God's prescription of secular human law, it should help to recognize two things: (i)the basic law types that inherently exist within the Bible, and also in general revelation; and (ii)the distinction between topical and chronological **exegeses**.

Sub-Chapter 3:
Towards Recognition of God's Prescription of Secular Human Law

In the example presented at the beginning of this booklet, a Hinduist was trying to interpret Revelation 14:2a, "And I heard a voice from heaven, like the voice of many waters". The subject of the Hinduist's concern was the nature of God's voice. The example offered alternative passages (Revelation 1:15; 19:6; Ezekiel 43:2; 1Kings 19:11) to show how the Hinduist could follow the Reformed hermeneutic to understand the nature of God's voice. This was a brief example of how to do a topical **exegesis**, as distinguished from a chronological **exegesis**. Reformed systematic theologies are generally arranged topically, and that's no doubt related to the nature of the analogy of faith. It also tends to create a bias in favor of topical **exegesis**. But there are some things, some biblical topics, that don't yield well to a topical approach to **exegesis**. To explain this claim, it should help to first explain the basic types of law that appear both in the Bible and outside it.

In his "Treatise on Law", Aquinas recognized four basic kinds of law.[1] There are three that are immediately pertinent to this discussion: eternal law, natural law,

1 Thomas Aquinas, **Summa Theologica**, First Part of the Second Part, "Treatise on Law" (QQ 90-108); URL: http://www.ccel.org/ccel/aquinas/summa.FS.vi.html, retrieved 16

and human law. No one should construe reference to these three kinds of law as reliance upon Aquinas, because the definitions need to be biblical categories, not Thomist categories. Nevertheless, Christians of all allegiances owe Aquinas a debt of gratitude for positing ANY categories in this arena. — Before continuing, it's important for the reader to recognize that the interpretational policy that this booklet's author is recommending for discovery of God's prescription of secular human law entails that rule 3 ("Historical Narratives Are to Be Interpreted by the Didactic") be applied exhaustively before beginning the search for God's prescription of secular human law. Furthermore, the main topics covered in any Reformed systematic theology should have been studied through biblical **exegeses** prior to starting the chronological **exegesis**, and this would entail using the Epistles as a control in interpreting historical narratives. This is important to keep a subject that is largely man-centered, human law, subordinate to and subservient to an array of concepts that are God-centered. For example, the attributes of God should have been studied and understood before beginning the **exegesis** of God's prescription of secular human law. Likewise, one should understand the distinction between which of these attributes are communicable,[1] and which are not. For another example, three basic covenants should have been studied and understood before one begins the **exegesis** of God's prescription of secular human law: the covenant of redemption, the covenant of works, and the covenant of grace. Conceptualization of these covenants arises naturally out of topical **exegeses**, especially following rule 3. This kind of ideological foundation is a necessary precursor to the **exegesis** of God's prescription of secular human law. It is necessary for the sake of avoiding the tendency to forget or neglect God's **decretive will** in the process of searching for His **preceptive will**.

(i)Eternal law is essentially the laws by which God created the universe. The existence of eternal law is clearly implied in Genesis 1, starting in verse 2a: "The earth was without form and void" (**ESV**). The phrase, "without form and void", clearly contrasts with the ordered universe that comes into existence in the first six days of creation. The transition from this unstructured state into a structured universe has sometimes been characterized as a transition from chaos to cosmos. Creation *ex nihilo* by the omnipotent Creator clearly went from nothing, through a state of being formless and void into a state of being structured. The structured universe is generally called the "cosmos", because cosmos is generally defined as, "The universe

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March 2016.

1 Meaning shareable with humans.

regarded as an orderly, harmonious whole."[1] The fact that over the centuries, the scientific enterprise has been largely successful, is due to the underlying fact that the universe is cosmos and not chaos, that it obeys the so-called "laws of nature", thereby proving that legal principles undergird the universe's structured nature. Because God exists eternally, and because cosmos is fundamental to all of creation, it's reasonable to call this fundamental legal structure that undergirds all of creation "eternal law". It's even reasonable to claim that eternal law logically preceded creation, and that the covenant of redemption contains eternal law among its terms.[2]

Some Reformed systematic theologies speak of a "creation covenant". In addition to being ostensibly reasonable to claim that the eternal law exists as terms within the covenant of redemption, it may also be ostensibly reasonable to claim that the eternal law exists as terms within the creation covenant. But "creation covenant" generally refers to the first covenant that God made with mankind. Other Reformed theologies use different nomenclature, and call the first covenant that God made with mankind the "covenant of works".[3] Regardless of what nomenclature one may prefer, it's clearly not appropriate to claim that eternal law is equivalent to the terms of the first covenant that God made with mankind. This is because eternal law exists regardless of whether humans exist or not, and therefore cannot be confined to the first covenant that God made with mankind. So it's more appropriate to say that the eternal law is the terms of some eternal covenant that pre-existed the covenant of works / creation covenant. The eternal law is the law that God created, and it encompasses all created things and all kinds of law. Like God, eternal law never changes. It's appropriate to claim that eternal law is the mechanism by which the transcendent God makes Himself **decretively** and providentially immanent. Thus conceived, eternal law leaves no room for pagan or deistic cosmo-conceptions.

(ii)Because humans are inherently finite, there are aspects of eternal law that humans are incapable of knowing. Humans are finite in the sense of being localized in space and time. That humans are localized in space and time is a self-evident truth. That they are localized in space and time even if they live eternally into the

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1 **American Heritage Dictionary of the English Language**, Fifth Edition, 2011, Houghton Mifflin Harcourt Publishing Company. — URL: http://www.thefreedictionary.com/cosmos, retrieved 15 March 2016.

2 The covenant of redemption is a covenant between the persons of the Trinity. "It is an agreement among the Father, Son, and Holy Spirit, in which the Son agreed to become a man, be our representative, obey the demands of the covenant of works on our behalf, and pay the penalty for sin, which we deserve." — Grudem, **Systematic Theology,** page 518.

3 Example: WCF, 7.2. — URL: http://www.reformed.org/documents/wcf_with_proofs/index.html, retrieved 15 January 2016.

future, is evident through topical **exegeses** that should be done prior to starting a chronological **exegesis** (especially in passages like 1Corinthians 15:20-28 and Revelation 21-22, regarding bodily resurrection). — Because there are aspects of eternal law that humans are incapable of ever knowing, it's important to mark a distinction between eternal law that humans are capable of knowing and eternal law that humans are not capable of knowing. "Natural law" identifies that aspect of eternal law that humans are capable of knowing.[1] Evidence that natural law must exist, according to the Didactic, exists especially in the first few chapters of Romans, especially in verses like 2:14-15. The concept of natural law has been an important aspect of Christian thought at least since Thomas Aquinas.[2] Natural law is best understood within the context of a correspondence model of perception. In this context, a correspondence model of perception merely refers to the fact that whatever external object a given human recognizes must be replicated in some way and to some extent within the consciousness of the perceiving subject, in order for such recognition to take place. Given that natural law can be best understood within the context of such a correspondence model of perception, natural law encompasses three things simultaneously: (i)the laws of nature that operate exogenously to any given human perceiver, and that humans are capable of knowing; (ii)the laws of nature that operate endogenously to the human being, and that humans are capable of knowing, especially including laws of nature that govern things like desire creation, digestion, respiration, idea creation, concept formation, the process of cognition, and

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1 For whatever reasons, since the "enlightenment", Protestants have for the most part abandoned the concept of "natural law", at least in terms of its theological origins. This abandonment did not start during the Reformation, evidenced by the fact that all the Magisterial Reformers believed in natural law, as did Reformation-era Roman Catholic theologians. The Magisterial Reformers may have chafed at some of the excesses of Aquinas' followers, with respect to natural law, but none of them considered rejecting the biblical foundations of natural law as has been done by more recent Protestants. Latter-day Protestants have abandoned the most important leg of the natural law tripod, the moral-law leg. Because natural rights are an inevitable subset and corollary of such natural law, American Protestants have essentially abandoned the rational foundations of the American legal system. By reasoning from the Bible, it's possible to rebuild that rational foundation, but only if one uses legal concepts and terminology that are basic in the field of jurisprudence, terms like jurisdiction, subject-matter jurisdiction, in personam jurisdiction, territorial jurisdiction, delict, contract, *etc*.

2 Aquinas, **Summa Theologica**, First Part of the Second Part, "Treatise on Law" (QQ 90-108); URL: http://www.ccel.org/ccel/aquinas/summa.FS.vi.html, retrived 16 March 2016.

other endogenous phenomena;[1] and (iii)the moral law that governs human actions and relationships, and that humans are capable of knowing. The third, moral-law leg of the natural-law tripod especially includes the field of ethics, meaning the moral law that governs human choice making.

Natural law should be understood to be the intersection of the field of ethics with the field of the natural sciences. So natural law is more than a mere moral system. The following scenario depicts how the laws of nature and the field of ethics intersect: Suppose Person A is staring out his window at a tree. Science makes it clear that there are laws of nature that govern the morphology and physiology of that tree. Those laws of nature can be understood to exist externally to Person A. Those laws of nature are therefore in operation exogenous to Person A. Even so, for Person A to recognize the tree as a tree, it's necessary for exogenous physical evidence of the tree's existence to reach Person A's cognitive faculties. For example, light reflecting off the tree into Person A's eyes causes, through a chain of events, neurons to fire within Person A's body. The laws of nature that govern the chain of events that starts with the light's impact on the eye, are clearly in operation endogenous to Person A. But the neuronal firings by themselves do not complete the picture sufficiently to show how this description integrates with the field of ethics. Not only do neurons fire endogenously, but there must also necessarily be some kind of replication of the tree in the mind of Person A. Once there is a one-to-one correspondence between the exogenous tree and the endogenous image of the tree, the endogenous replica can be the subject of ethical decisions by Person A. For example, if the tree is a lime tree, and if it has ripe limes, and Person A wants lime juice, where that desire arises out of the laws of nature that govern human desire creation, then a need to make a choice enters into Person A's conscious mind. Should Person A go pick a ripe lime off the tree, or not? Person A clearly has a need to make a choice, which is a moral concern.

This vignette shows how the field of ethics integrates with the laws of nature, where the discovery of the laws of nature is the objective of the natural sciences.[2]

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1 Endogenous cognition of exogenous natural phenomena is especially important in that it allows exogenous phenomena to be accurately understood by endogenous cognitive processes.

2 "Laws of nature", as used herein, is distinct from "natural law". Discovery of the laws of nature is the goal of the natural sciences. So the laws of nature can only exist in the exogenous and endogenous legs of the natural-law tripod. Because natural law is defined herein as including not only the exogenous and endogenous legs of the natural-law tripod, but also the moral-law leg, it's crucial to keep these two terms, "laws of nature" and "natural law", distinct.

This vignette shows that by logical necessity, the model of natural-law should be composed of three intersecting fields, or of what can be called the natural-law tripod: (i)the laws of nature that operate exogenously to the human being; (ii)the laws of nature that operate endogenously to the human being; and (iii)the field of ethics, which consists of the pursuit of knowledge about what humans should do in order to live free from sin, which should be understood to include the implementation of that knowledge through choices. It's obvious that these three fields overlap to some extent. Nevertheless, they are distinguishable even if they are not separable. It's also obvious that because humans do not now know all the laws of nature, humans are presently incapable of having a perfect grasp of what constitutes a sinless life, and are now incapable of being ethically perfect. Ethics and morality pertain to human choices, decisions, and judgments.

Natural law, including all three subsets of natural law, is rightly understood to be terms of the covenant of works, creation covenant, or whatever one may choose to call it. This booklet will refer to these three subsets of the natural law as the three legs of the natural-law tripod. — Both the eternal law and the natural law never change. Like God they never change. In contrast to God and these two overriding kinds of law, humans change. This is precisely why the concept of **progressive revelation** is a crucial precursor to understanding God's prescription of secular human law. God doesn't change. God's law doesn't change. But humans change; human comprehension of natural law changes; and human comprehension of God's prescription of human law changes. This is precisely why it's necessary to take a chronological approach to finding God's prescription of human law in Scripture. Human law as a subject is far more volatile and unstable than eternal law and natural law, so it's necessary to understand its chronological trajectory. This distinction between the immutability of God, the eternal law, and the natural law, versus the mutability of mankind, is precisely why the distinction between topical **exegesis** and chronological **exegesis** is crucial. Regarding God and natural law, a topical approach to biblical **exegesis** works fine. One can look in all parts of the Bible without regard to chronology for biblical information about such topics. In regard to topical **exegeses** of topics that fall within this God-centered arena of topics, it works fine to follow rule 3, "Historical Narratives Are to Be Interpreted by the Didactic". This is because Paul's Epistles are so clear in regard to God-centered topics. But regarding humans, the human comprehension of natural law, and God's prescription of human law, the Didactic is not so clear. This is because such topics are inherently dependent upon chronology. A topical approach to biblical **exegesis** will not generally yield satisfactory results in regards to such topics. So to focus on discovering the biblical prescription of secular human law, it's necessary to focus on historical narrative, and start the **exegesis** at the beginning, at Genesis 1:1. But in doing so, one does

not discard anything one has discovered through topical **exegeses**. All the God-centered information gleaned through topical **exegeses** must be understood to be stable, reliable, and true in order to keep the chronological **exegesis** on target. Even so, the chronological **exegesis** may demand some refinement of some conclusions made during topical **exegeses**.[1]

(iii)Human law is law that humans impose on humans, whereas natural law and eternal law are law that God imposes on humans, as well as on the rest of creation. This distinction between human law and these other two kinds of law is absolutely critical to any chronological **exegesis** aimed at discovering the biblical prescription of secular human law. As surely as God describes natural law in the Bible, He prescribes human law in the Bible.

Before going any further, it's important to re-emphasize three things: (i)that there is an array of theological concepts that are foundational to starting the chronological **exegesis**, where this array of theological concepts and principles exists by way of an array of topical **exegeses** that pertain to God, God's grace, eternal law, God's covenants, natural law, and other God-centered issues; (ii)that there must necessarily be an array of jurisprudential concepts as a precursor to interpreting passages that fall inherently within the genre of legal literature; and (iii)that the **exegesis** of God's prescription of secular human law must be chronological, starting at the beginning. To use the array of jurisprudential concepts, it's necessary to assume that the field of jurisprudence is mature enough, the same way the Reformed hermeneutic assumes that the fields of logic, grammar, and genre analysis are mature enough. After studying passages that fall within the genre of legal literature, starting at Genesis 1 and going chronologically through the Bible, one eventually returns to Romans 13:1-7. At that point, one should have an array of Bible-based legal concepts that will facilitate treatment of the Romans 13 nomenclature as terms of art. If this chronological **exegesis** has been performed properly, then the resulting interpretation of these seven verses should be devoid of any of the contradictions that exist in interpretations of this passage that don't recognize its special legal genre. In fact, after a chronological **exegesis** of the Bible, searching for God's prescription of secular human law, it should be obvious that Paul is speaking a kind of coded message in this passage, using jurisprudential terms of art, and that this passage should be interpreted within the context of all the biblical covenants and not merely within the context of the New Testament. Then, "governing authorities" are not

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1 The findings of the chronological **exegesis** should not conflict with any of the findings of the God-centered topical **exegeses**, because the latter are stable and reliable. They should, however, reveal much about how man-centered issues interface with God-centered issues. This is what is meant here by "some refinement".

merely people with a lot of political, military, judicial, or police power. But what governing authorities are instead will be discussed at the end of this booklet, in the conclusion.

Sub-Chapter 4: The Genre of Secular Human Law

Before venturing into a description of how the chronological **exegesis** should go, it's probably important to summarize what the legal genre is, and briefly introduce more conceptual tools that are prerequisites to discovering God's prescription of secular human law. — One of the most fundamental legal concepts is the concept of jurisdiction. In legal systems that care little about natural rights, meaning systems in which human laws arbitrarily and capriciously come out of the mouths of ruthless people, the concept of jurisdiction is weak because the interest in protecting natural rights is weak. Recognition and defense of jurisdictional boundaries is a natural defense against people who have little regard for other people's natural rights. Jurisdiction as a legal concept has developed in Christendom, especially during and since the English and Scottish Reformations. This development has paralleled the development of the concept of natural rights. As shown above, in the distinction between Jewish and non-Jewish jurisdictions, the concept of jurisdiction must clearly exist within Scripture, even if the existence of natural rights in Scripture is momentarily more ambiguous.

Because Romans 13:1-7 is inherently about secular human law, and because it therefore must fall within the genre of legal literature, it deserves to be interpreted through legal analysis, meaning by way of legal terms of art. Because jurisdiction is a fundamental legal concept, the focus should be on deciphering the jurisdictional boundaries to which Paul is referring in that passage. Example: When Paul says, "Let every person" (v. 1), it's reasonable to ask what he means by "person". The Greek word translated "person" is *psuche* (Strong's #5590). The **King James** translates this Greek word to soul, life, mind, heart, *etc.*, in its various passages. This along with other factors in the passage make it reasonable to assume that Paul is talking about every human being. So the **NASB**'s "person" is close enough to Paul's apparent meaning. So the meaning of "every person" is not limited to Christians. It's clear that "every" (Greek *pas*, Strong's #3956) includes every person in the entire human race. So in this passage that is addressed primarily to non-Jews, Paul is talking about all people. So this passage describes an aspect of the common grace under which all people live. — This phrase, "Let every person", is important because it establishes a crucial component of jurisdiction. It establishes the personal jurisdiction of Paul's declarations in Romans 13:1-7.

No doubt there are some Bible interpreters who would object to the use of a seemingly extra-biblical concept, personal jurisdiction, in the Bible-interpretation process. No doubt such people claim that this is **eisegesis** and not **exegesis**. This is a valid objection only if the concept does not inherently exist in Scripture. Logic, grammar, literary genres, *etc.*, inherently exist in Scripture. If the concept of personal jurisdiction also inherently exists in Scripture, then it's reasonable to allow it into the interpretation process. In fact, the example given above, of the distinction between Jewish Christians and non-Jewish Christians, is evidence that this concept inherently exists in Scripture. This concept exists both in Scripture and in common American vernacular. The primary definition in an ordinary dictionary defines jurisdiction as, "the power, right, or authority to interpret and apply the law".[1] This is an example of a legal concept that has become common among ordinary people, and that is inherently a concept that exists within the Bible. The same way that logic and grammar can get technical even though they are inherent in everyday human communication, legal concepts can get technical even though they are inherently part of everyday American communication. Such legal concepts deserve to be recognized as aspects of common grace, like logic and grammar, that have a place in reliable Bible interpretation. They should not be excluded from the Bible interpretation process simply because they are part of common grace, and not so obviously part of special grace. They should also not be excluded from Bible interpretation simply because they are far more complex as terms of art than they are as vernacular.

As is implicit in the ordinary definition of jurisdiction, jurisdiction can be understood to exist over a given subject matter, over a given territory, and over a given person or group of people.[2] As an ordinary thesaurus shows, many English words pertain to territorial jurisdiction: archbishopric, archdeaconry, bailiwick, caliphate, bishopric, diocese, episcopate, parish, patriarchate, viceroyalty, *etc.*[3] Examination of more technical legal dictionaries and rules of court shows that there are essentially three components or prerequisites to the existence of a valid claim to jurisdiction: (i)

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1 **Webster's Seventh New Collegiate Dictionary**, G.&C. Merriam Co., 1967, Springfield, Massachusetts, p. 461.

2 It's probably important to note here that *in rem* jurisdiction also exists in American jurisprudence. *In rem* jurisdiction is a court's jurisdiction over a thing. In the process of **exegetically** discovering God's prescription of secular human law, it should become clear that the Bible doesn't really hold this form of jurisdiction in high regard, or even recognize that it exists.

3 Based on WordNet 3.0, Fairlex clipart collection. (2003-2008). — URL: http://www.thefreedictionary.com/jurisdiction, retrieved 27 December 2015.

the existence of territorial or geographical jurisdiction; (ii)the existence of personal (or *in personam*) jurisdiction; and (iii)the existence of subject matter jurisdiction. Territorial (geographical) jurisdiction is defined thus:

> Territory over which a government or subdivision thereof has jurisdiction. … Jurisdiction considered as limited to cases arising or persons residing within a defined territory, as, a county, a judicial district, etc. The authority of any court is limited by the boundaries thus fixed.[1]

Personal jurisdiction is defined thus:

> Power which a court has over the defendant himself in contrast to the court's power over the defendant's interest in property (quasi in rem) or over the property itself (in rem). A court which lacks personal jurisdiction is without power to issue an in personam judgment.[2]

In rem jurisdiction is essentially a step towards separating a person from his/her property without first having a judgment that calls for such separation. This is why *in rem* jurisdiction should not be recognized as a valid form of jurisdiction in the secular law literary genre. A person's property, whether it be chattel, real property, or the person's physical body, is an attribute of the given person. — Subject matter jurisdiction is defined thus:

> Term refers to court's competence to hear and determine cases of the general class to which proceedings in question belong; the power to deal with the general subject involved in the action. … Subject matter jurisdiction deals with court's competence to hear a particular category of cases.[3]

All three kinds or components of jurisdiction must lawfully exist for a given court, cop, bishopric, *etc.*, to genuinely have jurisdiction in a given case. This is a long-established rule in American courts of the judicial branches of the federal and state governments.[4] — American jurisprudence has never been perfect, but there are two things that are certain in this regard: (i)The further American jurisprudence strays from reliable Bible interpretation, the more inherently pagan and corrupt it gets.

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1 Black, Henry Cambell; **Black's Law Dictionary, 5th** edition, 1979, West Publishing Co., St. Paul, Minnesota, p. 1320.

2 **Black's 5th**, p. 711.

3 **Black's 5th**, p. 1278.

4 These claims can be verified by examination of the rules of court of practically any federal or state jurisdiction, other than that of administrative courts. These days, it's crucial to distinguish judicial branch courts from administrative branch courts, because the latter have a much more ambiguous legal status.

(ii)The more reliable jurisprudential concepts are understood to exist in Scripture, the more insight into Scripture is gained, and the more secular jurisprudence is influenced in a good direction.

There are numerous other jurisprudential concepts that are useful in discovering God's prescription of secular human law. Many arise out of the chronological **exegesis**. The most important exist in an arena in which traditional Christian theology and traditional jurisprudence share concepts and jargon, via terminology like "natural law" and "natural rights". But one of the most important and most profound concepts is "damage", meaning damage inflicted by person(s) upon person(s). Such damage can arise in one of two ways: (i)out of a contract in which both the damager and the damagee are party to the contract; or (ii)out of a situation in which the damage does NOT arise out of a contract between the damager and the damagee. This view of damage is crucial because, among other things, it shows how crucial contracts are. This is something that genuine secular human law has in common with biblical law in general, due to the fact that the covenant, a special kind of contract, is crucial to biblical law in general. It's important to note in passing that every contract, and likewise every covenant, has its special jurisdiction. In other words, every contract and every covenant has jurisdiction within a specific territory; over a certain set of people, namely parties; and over a certain subject matter. There are numerous other concepts from secular jurisprudence that are crucial to the secular-human-law literary genre. As will be demonstrated, the concept of damage is crucial to both God's prescription of human law and secular human law in general. Also, the concept of jurisdiction, especially as it exists in these three components, and especially as it exists as a function of contracts and covenants, is absolutely crucial to the law genre in general.

Part II:

The Reformed Hermeneutic with Sanction of the Jurisprudential Genre

(Chronological Exegesis of Secular Human Law in the Old Testament)

Part II, Sanctioning the Jurisprudential Genre

Part II

Chapter 4:
The Creation Covenant / Covenant of Works / Edenic Covenant
(Age of Conscience — Genesis 1-2)

Given that this booklet is about hermeneutics, it may seem appropriate that it would stick to expounding hermeneutical procedures, rather than stray into the interpretation process *per se*. But because the jurisprudential literary genre is generally so poorly understood among Bible students and Bible scholars (and under the present regime, among lawyers and legal scholars as well), it's important that this booklet actually engage in the interpretation process, at least to the point that it's obvious how it should proceed.

At the transition from topical **exegeses** to chronological **exegesis**, it's reasonable to inquire where and how the chronological **exegesis** should start. Common sense might claim that because it's chronological, it should start at the beginning, at Genesis 1:1. In fact, this booklet has even said that, but not without reservation. As indicated above, in the introduction to the concept of eternal law, it may be valid to speak of the first 25 verses of Genesis 1 as being part of a covenant between God and all of creation. But if there is a covenant between God and mankind in Genesis 1, it can't meaningfully exist before humans were created. The creation of mankind doesn't begin until verse 26. If there's a covenant between God and mankind that begins in Genesis 1, then it cannot begin before verse 26. So that leaves a question about how this chronological **exegesis** should treat verses 1-25.

A fundamental distinction in jurisprudence is the distinction between law and fact. A legal action generally starts when a plaintiff files a complaint.[1] The complaint generally alleges facts, and it alleges that the defendant violated some set of laws by way of the alleged facts. So this distinction between law and fact is absolutely foundational to every legal action. — If Genesis 1:1-25 indicates some covenant between God and creation, then those verses must be terms of that covenant, and therefore laws. But if they do not pertain to a covenant, then they must be allegations of fact. Although they may indeed be terms of a covenant between God and creation, they are not specifically terms of a covenant between God and mankind. Because this chronological **exegesis** is focused on God's prescription of human law, this **exegesis**

1 If it's a crime, then the plaintiff or accuser has traditionally been the state. If it's not a crime, then the plaintiff is generally a private party. In the case of a crime, the complaint has generally taken the form of arrest, arraignment, indictment, *etc.* If it's not a crime, then the legal action generally begins with filing the complaint with the court, legal notice and presentment to the defendant, *etc.* In the particulars, all this varies from jurisdiction to jurisdiction, but the essentials stay the same.

will not treat them as terms, but as fact claims. They pertain to manifestations of the exogenous leg of natural law, but all such manifestations imprint themselves on human beings as facts. So even though they may be terms of some eternal covenant, this chronological **exegesis** should treat them as facts.

As indicated above, an aspect of the hermeneutic being described herein holds that there can be no inherent conflict between extra-biblical facts and intra-biblical facts. But simply because there is no inherent conflict, that doesn't mean that humans are not capable of misinterpreting either kind of fact. Humans are fallible and error-prone, so they are prone to misinterpreting both kinds of facts. So regarding human perception and cognition, a distinction between these two kinds of facts needs to be maintained, for the sake of avoiding unnecessary conflict between human perceivers of these non-conflicting sets of facts. Therefore, this hermeneutic refers to intra-biblical laws and facts as biblical laws and biblical facts, for the sake of distinguishing them from ordinary laws and facts. So this chronological **exegesis** treats verses 1-25 as a deposition of biblical facts. This leads to the question of how one is to recognize biblical law when it arises chronologically in Scripture, as distinguished from biblical fact.

The reader should recall that above, natural law was defined in terms of a tripod. The three legs of the natural-law tripod were defined as (i)the laws of nature as they govern phenomena exogenous to the human being; (ii)the laws of nature as they govern phenomena endogenous to the human being; and (iii)moral / ethical laws as they govern human choices and behavior. With this reminder, it should be evident that Genesis 1:1-25 falls within the exogenous leg of the natural-law tripod. That is because it pertains to phenomena that are expressions of the exogenous leg of the natural-law tripod. That passage consists of biblical fact claims within the historical narrative. It's crucial to understand two overriding things about biblical fact claims in general, and about these twenty-five verses in particular. The first is that natural law is perfect, and it never changes, even though the phenomena it governs change constantly. The second is that humans are fallible, and human perception is error-prone. Any reliable interpretation of that passage must presume that that passage is referencing phenomena governed by the exogenous leg of the natural-law tripod, where the laws in that exogenous leg are perfect. As divine law,[1] the account in the passage is also infallible. But that doesn't mean that there is not "phenomenological language" in that passage. It also doesn't mean that the biblical

1 "Divine law" is the fourth of the four types or categories of law recognized by Aquinas in his "Treatise on Law". In many respects, "divine law" merely refers to the Bible, but among Reformed Christians, it should refer to the 66 books recognized as the canon among orthodox Christians.

fact claims in Genesis have not been refined through **progressive revelation** that appears later in Scripture.[1] Any reliable interpretation of these twenty-five verses must deal with all these issues, and do so without distorting either the extra-biblical facts or this passage's biblical facts. It should be obvious that expounding such an interpretation is outside the scope of this booklet.

Even though a thorough **exegesis** of Genesis 1:1-25 is outside the scope of this booklet, it's nevertheless reasonable, in passing, to make the following statement about this passage: This passage describes God's creation of the universe. If secularists and demonic forces in general can succeed in destroying the authority of this passage, then the entire Bible and rational belief in God go down with it. As R.C. Sproul and John Gerstner have shown in their classical apologetics, all the questions about creation can be, and should be, subsumed under a single question about whether the universe came into existence by chance, or through an act of God. With Sproul, Gerstner, and other Reformed believers in classical apologetics, the author of this booklet is convinced that the chance option is inherently irrational.[2]

Refocusing on the important distinction between biblical law and biblical fact, it should be obvious that any occurrence of biblical law that demands that human beings behave in a certain way will fall within the moral-law leg of the natural-law tripod. Such an occurrence is obviously an expression of God's **preceptive will**, because it is God, through the biblical author, expressing a precept by which humans should live. But such biblical law is not necessarily a prescription by God of human law. Moral law and human law are two different things. God imposes moral law. Humans impose human law. God-prescribed human law will certainly fall within the moral-law leg of the natural-law tripod. But because humans are fallible, moral law is not necessarily convertible into human law. Like natural law in general, the moral-law leg of the natural law is perfect. But human perception of

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1 As indicated above, **progressive revelation** is God's special revelation to human beings chronologically, over time. According to Charles Hodge: "The progressive character of divine revelation is recognized in relation to all the great doctrines of the Bible … What at first is only obscurely intimated is gradually unfolded in subsequent parts of the sacred volume, until the truth is revealed in its fulness." — Charles Hodge; **Systematic Theology**, 1873, Scribner, Armstrong, and Co., New York, Vol. I, p. 446.

2 This belief is confirmed explicitly in the following: (i)R.C. Sproul; **Not a Chance: The Myth of Chance in Modern Science & Cosmology**, 1994, Baker Academic, Grand Rapids, Michigan. (ii)R.C. Sproul; **Defending Your Faith: An Introduction to Apologetics**, 2003, Crossway Books, Wheaton, Illinois. (iii)R.C. Sproul, John Gerstner, and Arthur Lindsley; **Classical Apologetics: A Rational Defense of the Christian Faith and a Critique of Presuppositional Apologetics**, 1984, Zondervan, Grand Rapids, Michigan.

that moral law is not. So any attempt by humans at enforcing the moral law upon other humans is inherently fallible. Because of this, it's not safe to assume that God is prescribing human law simply because He is describing or proclaiming moral law. So a description of moral law is emphatically NOT the same as a divine prescription of human law. Even so, wherever God's prescription of human law genuinely exists, it must be a subset of the moral-law leg of the natural-law tripod as surely as it is a subset of the divine law. But how does one discern the existence of a divine prescription of human law? Are there other characteristics of Scripture that mark the existence of such a passage?

These questions will be answered in due time. In the meantime, one thing is certain. Wherever a biblical covenant exists, that covenant has terms, and those terms are expressions of biblical law. Even so, some **exegetes** claim that there is no covenant in the first two chapters of Genesis. These **exegetes** are usually NOT followers of the Reformed hermeneutic. If it were clearly stated within these two chapters that the passage is covenantal, then these **exegetes** would be forced by undeniable logic to admit that the passage is covenantal. Most occurrences of covenantal passages in the Old Testament are identified by the occurrence of the Hebrew word *b'rit* (Strong's #1285) within the passage. Presumably, if this Hebrew word were in these two chapters, and if it identified this particular passage as covenantal, then there would be no doubt that the passage is covenantal. But the word is not there. Nevertheless, there is circumstantial evidence that the passage starting at 1:26 is covenantal, and this circumstantial evidence is generally beyond dispute among those who use the Reformed hermeneutic.

This passage starting at Genesis 1:26 contains the essential ingredients necessary to the existence of a contract or covenant: (i)a definition of the parties to the agreement, *i.e.*, an *in personam* jurisdiction; (ii)a definition of the subject matter jurisdiction of the agreement, meaning definition of benefits to be received and obligations to be assumed; and (iii)a territorial jurisdiction, the garden of Eden. In the words of one reputable Reformed theologian,

> If all the elements of a covenant are present (clear stipulation of the parties involved, statement of the conditions of the covenant, and a promise of blessing for obedience and punishment for disobedience), then there seems no reason why we should not refer to it as a covenant, for that is indeed what it was.[1]

More evidence that this is a covenant exists in the fact that Hosea 6:7 says, referring to the tribes of Ephraim and Judah, "But like Adam they have transgressed the covenant" (**NASB**). In order to transgress the covenant, Adam had to be party to

1 Grudem, **Systematic Theology**, pp. 516-517.

the covenant. Therefore Hosea is testifying that this primordial covenant existed. — Now that preliminary evidence has been presented that this passage starting at Genesis 1:26 is in fact a covenant between God and mankind, the **exegesis** needs an explanation for why it's called a "covenant of works".

In practically all contracts between humans, there is what could be aptly called an offer feedback loop. Generally in human contracts there is some negotiation before the consummation of a contract. For example, in a simple sales contract, a shop might have a sign in their front window indicating what the shop sells, thereby making an offer to passersby. If someone walks in the shop and offers a specified amount of cash, then that person is offering feedback. This is essentially a negotiation. The negotiation may be short and sweet in a simple sales contract, but that doesn't mean it doesn't exist. Practically all human contracts have some kind of offer feedback loop. In contrast to the offer feedback loop in human contracts, which may be prolonged and complex, there is at most a very terse offer feedback loop in covenants that God makes with mankind. God either sovereignly imposes the covenant or offers it on a take-it-or-leave-it basis, or in some cases He may do each within the same covenant, depending upon the term. In the case of this passage starting at 1:26, God sovereignly imposes the terms. Adam and Eve are simply given a choice between keeping the terms and violating them. But their participation in the covenant is not conditioned upon that choice. The choice is given to them subsequent to their participation. This is evidence that this is a covenantal passage. But it also indicates that this covenant can only be kept through their works, *i.e.*, through their diligent obedience. This is why it's called a "covenant of works", in contrast to the "covenant of grace". Before examining the terms of the creation covenant / covenant of works / Edenic covenant, there may be some need to confirm the claim that it exists, through examination of the Didactic.

According to the Westminster Confession of Faith, this covenant is understood to be the first covenant between God and mankind:

> The first covenant made with man was a covenant of works, wherein life was promised to Adam; and in him to his posterity, upon condition of personal obedience.[1]

This covenant of works goes to the core of Christian soteriology. To see why, consider this excerpt from Paul's letter to the Galatians:

> [W]e know that a person is not justified by works of the law but through faith in Jesus Christ, so we also have believed in Christ Jesus, in order to be justified by faith in Christ and not

1 WCF, 7.2. — URL: http://www.reformed.org/documents/wcf_with_proofs/index.html, retrieved 3 February 2016.

> by works of the law, because by works of the law no one will be justified.
>
> (Galatians 2:16; **ESV**)

It's implicit when Paul says, "by works of the law no one will be justified", that he is NOT including Jesus Christ within the ambit of "no one". This is because Jesus was resurrected through His works. Adam failed to keep the covenant of works, and all his progeny have likewise failed, evidenced by the fact that they all died.[1] So eternal life in beatific relationship with God was "promised to Adam" and "to his posterity", conditioned upon his "personal obedience". But Adam failed, and likewise his posterity. But Jesus was resurrected from the dead because He kept the law perfectly. He died because He vicariously took the aggregate sins of the elect upon Himself. He rose from the dead because He could deflect the effects of sin and evil, so that they could not take hold within Himself. As the Son of God, He knew how to treat all sin and evil from God the Father's perspective, and to thereby avoid being victimized by them. His resurrection is evidence that He satisfied the main thrust of the covenant of works, which pertains to obedience to God. Now no one is justified by the works of the law, because no one is capable as Jesus was capable. Now, people are justified only through the free gift of grace offered through Jesus Christ, an offer of Christ's imputed righteousness. As He vicariously took their sins upon Himself, His elect vicariously receive His imputed righteousness.

> For all who rely on works of the law are under a curse; for it is written, 'Cursed be everyone who does not abide by all things written in the Book of the Law, and do them.'
>
> (Galatians 3:10; **ESV**)

Even though the phrase, "covenant of works", doesn't appear in the Bible, and even though the word *b'rit* doesn't appear in Genesis 1:26-2:25, it's clear that the covenant of works is referenced implicitly in the Didactic. That's no doubt one of the reasons why highly respected Reformed theologians believe that the creation covenant / covenant of works exists. Because they recognize that this covenant exists, they recognize that this passage has terms, where the terms are sometimes called "creation ordinances".

It should be certain, based on these several different perspectives, that Genesis 1:26-2:25 is covenantal. But it's not so certain that the normal Reformed interpretation of this passage is consistent with a reliable **exegesis** of God's prescription of secular

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1 Some might argue that Enoch and Elijah didn't die. (See Genesis 5:24 and 2Kings 2:11.) But no genuine Bible scholar would argue that they weren't sinners, even if they achieved a high degree of sanctification. So God taking them was a substitute for their dying.

human law. The following three paragraphs from the Ligonier Ministries website manifest why this doubt exists:

> When the Lord placed Adam and Eve in the garden of Eden, He established a bond with them and all their descendants. The requirements of this covenant are binding upon everyone who has ever lived, since all people are ultimately descended from them. People may ignore or deny this covenant, but they cannot escape it. It remains binding as long as the present order exists.
>
> We often note that the most fundamental requirement of this covenant was the stipulation not to eat of the tree of the knowledge of good and evil, largely because this is the commandment that our first parents failed to keep (Gen. 2:15-17; 3). It is also true, however, that the covenant of creation also contains several positive stipulations, or things that tell us what to do and not just what not to do. Among these are the clear injunctions to preserve the sanctity of the marriage bond between one man and one woman, the necessity and propriety of godly labor, and the keeping of the Sabbath (2:1-3, 15, 18-24). Of course, no person but Jesus has kept any of these requirements perfectly, and so we can only be reconciled to God through faith in Christ alone (Rom. 5:1-11). Nevertheless, these requirements are still to guide our lives, and this obedience is necessary even for non-Christians because they are still in covenant with God through Adam.
>
> These standards, or creation ordinances, are important because they give us a foundation for what we should expect of the state. The Lord has appointed two kingdoms to govern the affairs of men – the church administers the sacraments and the Word of God to direct our Father's children in godliness, while the state bears the sword against injustice and makes laws for the good of all the people, regenerate and unregenerate alike (Rom. 13:1-7). Each authority must do its delegated tasks and not try to usurp the authority of the other. The church does not bear the sword, and the state does not administer church discipline. Nevertheless, on account of the covenant of creation, it is right for the church to expect the state to honor life and bear the sword justly, and it is the responsibility of the church to be a prophetic witness against the state when it fails in these duties.[1]

1 Devotional page at Ligonier Ministries website, "Creation Ordinances". — URL: http://www.ligonier.org/learn/devotionals/creation-ordinances/, retrieved 14 January 2016.

As already indicated, the Epistles implicitly proclaim the existence of the covenant of works / covenant of creation. The historical narrative in Genesis 1:26-2:25 confirms its existence. In recognition of the results of previously performed topical **exegeses**, it's necessary to acknowledge that this covenant of works exists, and that it is deposited in Scripture at this passage. As already indicated, covenants, like contracts, have terms, including stipulations of the obligations of, and benefits to, the parties. Because the main covenants in the Bible are not contracts in the ordinary sense of that word, and because one of their defining characteristics is that God is party to them, God is clearly a party to the covenant of works. God sovereignly imposed this covenant on the human beings as part of His creation of them. He simultaneously condescended to be in covenant with them, and to thereby establish "a bond with them and all their descendants". Regarding terms pertinent to humans, it's reasonable to call them "creation ordinances". The most profound of these ordinances is the prohibition of eating the fruit of the tree of knowledge of good and evil (2:16-17). This ordinance is profound because it becomes a central motif for everything that follows in the Bible. Other ordinances include (i)preserving "the sanctity of the marriage bond" (2:24); (ii)"the necessity and propriety of godly labor" (2:15); (iii)"keeping the Sabbath" (2:1-3); (iv)having dominion "over all the earth" (1:26b, 28b); (v)being fruitful and multiplying on the earth (1:28a); (vi)having plants as food (1:29); and (vii)recognizing that every human has the *imago Dei* (1:26a, 27a). The author of these paragraphs from the Ligonier website is right to say that "these requirements are still to guide our lives, and this obedience is necessary even for non-Christians because they are still in covenant with God through Adam." The author of these paragraphs is therefore right to say that these creation ordinances "are important". But that author gives a reason for their importance that doesn't stand up **exegetically** or rationally.

These creation ordinances are important because they are terms of the covenant of works. The covenant of works is important because no human has kept the terms of this covenant with the sole exception of Jesus Christ, and His keeping them is the foundation for the redemption of God's elect. It's in fact necessarily true that Jesus kept not only these creation ordinances, but also all of the natural law, where holistic reason demands that natural law exist as terms of the covenant of works. Jesus satisfied this covenant through his works, and his works go far beyond the limits of these few creation ordinances. In fact the creation ordinances are rightly understood to be an abbreviation of the natural law so that it fits succinctly into the articulation of this covenant. Because the natural law is a subset of the eternal law, the natural law existed prior to the creation of humans. But natural law is defined as that aspect of eternal law that humans are capable of knowing, so it's reasonable that the natural law aspect of the eternal law would be included as terms within this

creation covenant. More specifically, it's reasonable that the moral-law leg of the natural-law tripod would be included as terms within this covenant. But neither the natural law nor its moral-law leg is explicitly mentioned as terms within this Edenic passage. Even so, because natural law is the subset of eternal law that humans are capable of knowing, it follows that humans are responsible for harmonizing their behavior with the exogenous-and-endogenous-laws-of-nature legs, and for obeying the moral-law leg. So it follows that the natural law is implicit as a set of terms within this Edenic covenant. It's even reasonable to comprehend these creation ordinances as being the subset of the natural law that was most important for the first humans to recognize. More specifically, the creation ordinances are the subset of the moral-law leg of the natural-law tripod that was most important for them to recognize. — In some respects it's valid to claim that the entire divine law is an abbreviation of the natural law.[1] "Divine law" is the fourth of the four types or categories of law recognized by Aquinas in his "Treatise on Law". In many respects, "divine law" merely refers to the Bible, but among Reformed Christians, it should refer to the 66 books recognized as the canon among orthodox Christians. It also makes sense to think of divine law as being a system of covenants that coalesce into a single covenant. Each covenant has its unique jurisdiction, and as the chronological **exegesis** proceeds, it should examine how the covenants coalesce.

Even though these creation ordinances are important and still apply to all people, it's necessary to take exception to the claim that these ordinances "give us a foundation for what we should expect from the state". It's necessary to take exception because it was NOT established in the Didactic that the "state" has been ordained to exist through God's **preceptive will**. The state has certainly been ordained to exist through God's **decretive will**. But the determination of whether it has been ordained through God's **preceptive will** is one of the reasons this chronological **exegesis** must be done. Contrary to traditional interpretations via the Reformed hermeneutic, it is NOT appropriate to assume that these creation ordinances are functions of the state. This is because whether or not the state is even ordained preceptively to exist must be proven **exegetically** prior to making such a supposition. "[G]overning authorities" have certainly been ordained preceptively. But "governing authorities" could be the function of some polity other than the state. The state, as traditionally conceived, and as understood in the vernacular, could be extremely different from the polity posited by God's prescription of secular human law. So

1 On the other hand, the divine law consists largely of special revelation that manifests covenants that have terms that do NOT apply to non-parties, while natural law manifests as general revelation, and applies to all humanity. So in other respects, it's NOT valid to claim that the divine law is an abbreviation of natural law.

this other, God-prescribed polity should be the source of these governing authorities. One of the reasons this chronological **exegesis** must be done is to discover the polity that yields these governing authorities. So presupposing that governing authorities are a function of the state is to impose the existence of the state through **eisegesis**. It is clearly the imposition of a cultural bias. This means that contrary to the opinions of most worthy **exegetes** who have employed the Reformed hermeneutic over the centuries, the following statement cannot be assumed to be true, but must at least be suspended in disbelief until the chronological **exegesis** is complete, and the **exegete** returns to Romans 13:1-7:

> The Lord has appointed two kingdoms to govern the affairs of men – the church administers the sacraments and the Word of God to direct our Father's children in godliness, while the state bears the sword against injustice and makes laws for the good of all people, regenerate and unregenerate alike (Rom. 13:1-7).[1]

Based on the Didactic, it's certain that "the church administers the sacraments and the Word of God …". But the belief that must be suspended during the chronological **exegesis**, for the sake of avoiding **eisegesis**, is the belief that "the state bears the sword against injustice and makes laws for the good of all people". Perhaps some polity other than the state is called to bear the sword against injustice. Furthermore, the question of what laws are good for all people needs to be answered before making any decision about whether the traditionally conceived state or some other polity or social mechanism should promulgate and enforce those laws.

Once the existence of the state is suspended because it's not certain that the state has been ordained preceptively to exist, and because the assumption that it has a right to exist is a cultural bias that should NOT be imposed on the text through **eisegesis**, it's possible to go ahead and **exegetically** interpret this creation-covenant passage. With the existence of the state suspended as **eisegesis**, it's possible to make an unbiased examination of what the creation ordinances are. They are certainly terms of the covenant of works. Because it's rationally necessary that the eternal law exist, and because it's rationally necessary that the natural law exist, it must be true that these explicit terms of the creation covenant must be a subset of the natural law. As indicated, they are a subset of the moral-law leg of the natural-law tripod. Unlike the rest of the moral-law leg, the creation ordinances are explicitly posited as terms within the divine law's articulation of the creation covenant. As part of the moral-law leg, it's certain that they apply to the entire human race "as long as the present order exists". But does this mean that one human should impose obedience

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1 Devotional page at Ligonier Ministries website, "Creation Ordinances". — URL: http://www.ligonier.org/learn/devotionals/creation-ordinances/, retrieved 14 January 2016.

to these ordinances upon another? These ordinances are certainly part of God's **preceptive will**. But do they fall within the ambit of God's prescription of human law? Is there clear evidence anywhere that these ordinances should be translated into human law?

There's no doubt that these creation ordinances are special revelation by God to human beings regarding some characteristics of natural law. There's also no doubt that there is extra-biblical evidence of the existence of these creation ordinances, and that this extra-biblical evidence is part of God's general revelation to all humanity.[1] But there is no evidence in Genesis 1:26-2:25, or anywhere else in the Bible, that God is therein calling for, or mandating that, humans generally impose obedience to these ordinances upon one another. As long as the humans lived in harmony with God and with each other within the garden of Eden, there was no need for humans to enforce such laws one upon the other. Establishing these guidelines for human behavior does NOT simultaneously establish punishments to be executed by human against the human who violates the guideline. So there is no evidence in this Edenic passage of the existence of any God-prescribed human law. It may be true that humans should voluntarily enter into contracts with one another stipulating that the parties should enforce obedience to these creation ordinances upon one another. But no such stipulation appears in this passage. So the ordinances, and the terms of the covenant of works generally, exist strictly within the realm of natural law, and they never cross the boundary into God's prescription of human law. They are part of God's **preceptive will**, and as such it's reasonable that people would strive to comply, and that people would even voluntarily enter into contracts with one another to encourage one another to comply. This aspect of God's **preceptive will** is global, meaning that it applies to all humans, and that all humans should strive to comply. Likewise, it makes sense that all humans would voluntarily enter into contracts to aid compliance. On the other hand, there is no evidence in this passage that any of these ordinances are part of God's prescription of global human law. They apply to each person, and a genuinely clear conscience will acknowledge as much. So these ordinances, at least under the jurisdiction of this covenant, are enforced by God through His laws, and are enforced by each human upon his/her self only through personal conscience, not through one human imposing on another.

To analyze this passage from a jurisprudential perspective, it's necessary to search for the essential components of a contract / covenant. These components should be subsumed within the three components of jurisdiction, but it's probably not helpful to get fixated at a jurisdictional level of abstraction. To allow the text to speak,

1 So these creation ordinances have the dual nature of being both special revelation and general revelation.

without **eisegetical** superimposition, it's necessary to study the text specifically without any preconceptions about what it says. If the text volunteers itself into jurisprudential categories, so be it.

> 26 Then God said, "Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth."
>
> 27 So God created man in his own image, in the image of God he created him; male and female he created them.
>
> 28 And God blessed them. And God said to them, "Be fruitful and multiply and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth."
>
> 29 And God said, "Behold, I have given you every plant yielding seed that is on the face of all the earth, and every tree with seed in its fruit. You shall have them for food.
>
> 30 And to every beast of the earth and to every bird of the heavens and to everything that creeps on the earth, everything that has the breath of life, I have given every green plant for food. And it was so.
>
> 31 And God saw everything that he had made, and behold, it was very good. And there was evening and there was morning, the sixth day.
>
> 1 Thus the heavens and the earth were finished, and all the host of them.
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> 2 And on the seventh day God finished his work that he had done, and he rested on the seventh day from all his work that he had done.
>
> 3 So God blessed the seventh day and made it holy, because on it God rested from all his work that he had done in creation.
>
> 4 These are the generations of the heavens and the earth when they were created, in the day that the Lord God made the earth and the heavens.
>
> 5 When no bush of the field was yet in the land and no small plant of the field had yet sprung up—for the Lord God had not caused it to rain on the land, and there was no man to work the ground,

6 and a mist was going up from the land and was
watering the whole face of the ground–
7 then the Lord God formed the man of dust from the
ground and breathed into his nostrils the breath of life,
and the man became a living creature.
8 And the Lord God planted a garden in Eden, in the
east, and there he put the man whom he had formed.
9 And out of the ground the Lord God made to spring
up every tree that is pleasant to the sight and good for
food. The tree of life was in the midst of the garden,
and the tree of the knowledge of good and evil.
10 A river flowed out of Eden to water the garden, and
there it divided and became four rivers.
11 The name of the first is the Pishon. It is the one that
flowed around the whole land of Havilah, where there
is gold.
12 And the gold of that land is good; bdellium and onyx
stone are there.
13 The name of the second river is Gihon. It is the one
that flowed around the whole land of Cush.
14 And the name of the third river is the Tigris, which
flows east of Assyria. And the fourth river is the
Euphrates.
15 The Lord God took the man and put him in the
garden of Eden to work it and keep it.
16 And the Lord God commanded the man, saying, "You
may surely eat of every tree of the garden,
17 but of the tree of the knowledge of good and evil you
shall not eat, for in the day that you eat of it you shall
surely die."
18 Then the Lord God said, "It is not good that the man
should be alone; I will make him a helper fit for him."
19 Now out of the ground the Lord God had formed
every beast of the field and every bird of the heavens
and brought them to the man to see what he would
call them. And whatever the man called every living
creature, that was its name.
20 The man gave names to all livestock and to the birds
of the heavens and to every beast of the field. But for
Adam there was not found a helper fit for him.

> 21 So the Lord God caused a deep sleep to fall upon the man, and while he slept took one of his ribs and closed up its place with flesh.
> 22 And the rib that the Lord God had taken from the man he made into a woman and brought her to the man.
> 23 Then the man said, "This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man."
> 24 Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.
> 25 And the man and his wife were both naked and were not ashamed.
>
> (Genesis 1:26-2:25; **ESV**)

Some of this passage has little to do with moral law, and like verses 1-25, it falls within the exogenous leg of the natural-law tripod. But other facets of this passage fall within the moral-law leg, and can be understood to exist naturally within jurisprudential categories. The creation of humanity appears in Genesis 1:26-29. There is definitely subject matter within those four verses that impacts morality, and it's definitely necessary to focus on those verses. Verse 1:30 has little obvious impact on morality. It, like other verses and phrases within this passage, remains a biblical fact, an expression that exists within the exogenous leg of the natural-law tripod, but has little direct impact on morality. Among other things, such verses and phrases provide the setting, and even describe the territorial jurisdiction, of this covenant. — Verse 1:31 indicates that creation, as God created it, is good, and that means that as created, humans are also good. Because of this original goodness, the man and woman were not ashamed of being naked (2:25). So this original goodness certainly has moral implications. — Verses 2:1-3 pertains to the Sabbath. Verses 1&2 are essentially biblical facts that do not translate, by themselves, into biblical law. But they provide the background for verse 3, which certainly has implications for human morality and biblical law. — Verses 2:4-25 recount the creation of humanity in more detail. Verses 2:4-6 are more biblical facts that don't translate immediately into moral law. Verse 2:7 indicates the stuff from which human beings are created, and it certainly has moral implications. — Verse 2:8 defines the territorial jurisdiction of this covenant, and it is therefore extremely important. But only when combined with other verses does it take on moral implications, *per se*. — Verse 9 introduces two trees that are obviously metaphorical or symbolic, the tree of life and the tree of knowledge of good and evil. These two trees have HUGE moral implications, and are therefore clearly within the moral-law leg of the natural law. — Verses 2:10-14

are biblical facts that may have ancillary implications for this covenant's territorial jurisdiction (like the "over all the earth" phrase in v. 1:26). Verse 2:15a reiterates the covenant's territorial jurisdiction. Like verse 2:8, it has moral implications when combined with other verses. — Verse 2:15b calls the man to steward that territory, which is obviously a call to "godly labor". — Like verse 1:29, verse 2:16 is encouragement to follow a vegetarian diet, and it therefore has moral implications. — Verse 17 is the prohibition against eating off the tree of knowledge of good and evil. It combines with verse 2:9 to have monumentally profound moral implications. — Verse 18, like verses 21-23, is auxiliary to verse 1:27b, in that it gives more detail about how God divided humanity into male and female, which obviously has moral implications. Like 1:1-25, verses 2:19-20 narrate biblical facts that are background to the covenant, but they don't expound or imply moral law. — Verse 2:24 is clearly an injunction "to preserve the sanctity of the marriage bond between one man and one woman". Because it is closely related to creation of humans male and female, this verse will be addressed with verse 1:27b. — As already mentioned, the naked-and-not-ashamed phrase in verse 2:25 complements the "very good" phrase in 1:31, and therefore has moral implications.

It should be obvious that there are about twelve terms of this covenant that have moral implications for human beings, although these stipulations may be induced herein to form fewer than twelve moral laws. It's reasonable to call these moral laws "creation ordinances". They all fall within the moral-law leg of the natural-law tripod. But none of them exist within the ambit of God's prescription of human law, at least under the immediate subject-matter jurisdiction of this covenant. Proof that none exist under the aegis of God's prescription of human law exists in the fact that nowhere within this passage is there a call by God for a human to execute justice against the other human, or to punish the other. — **Exegesis** of these terms of this covenant will show that within these terms are contractual / covenantal components: offer, parties, consideration, obligations, benefits, penalties, duration, signs, *etc*.

Sub-Chapter 1:
Regarding Verses 1:26a, 27a:
Created in God's Image

It's probably safe to claim that every reliable Reformed systematic theology posits that some of God's attributes are communicable, and some are not. When God created humans in His image, it was possible for Him to share some of His attributes with them, while it was impossible for Him to share others. There can only be one God. This is by definition. There can only be one entity who is omnipotent. If there were two, then there would automatically be a question about which one is

more potent than the other, which means that neither would truly be omnipotent. So omnipotence is an attribute of God that is not communicable. It is an attribute that God and only God can have. Similar arguments also necessarily exist with respect to omniscience, omnipresence, and omnibenevolence. God alone has these attributes. So this naturally leads to the question of what attributes God could have shared with humans when He created them in His image.

God is utterly sovereign, meaning that His jurisdiction encompasses everything in the entire universe, humans included. But the fact that God chose to create humans in His image says that He chose to allow each one of them to exercise some sovereignty within the ambit of His superior sovereignty. Because humans are not capable of being omnipresent, they are necessarily limited and localized in space and time. So the jurisdiction of each such miniature sovereign is also localized in space and time, and therefore finite. While God lives forever with all of His communicable and incommunicable attributes, with no beginning and no end, God created humans to live from some predetermined point in time eternally into the future. People are always localized in space and time, even while they were originally created to live eternally into the future.

This characteristic of humanity, of being image bearers, of having the *imago Dei*, of being miniature sovereigns, inherently means that every human is disabled with respect to the incommunicable attributes of God. In other words, every human has natural disabilities that can NEVER be overcome. It follows that it is impossible to strive for these attributes without the accompanying mark of insanity. It's insane for any human to seek to be omnipotent, omniscient, omnipresent, or omnibenevolent. To this short list of incommunicable attributes of God, one can certainly add others. The crucial point that must necessarily be made is that it's insane for humans to attempt to procure the incommunicable attributes of God, while it's perfectly sane for humans to be content with the communicable attributes of God with which humanity, in its original, untainted nature, was endowed. It's reasonable to assume that the meaning of being created in the image of God is this: Under the original order of creation, meaning under the Edenic covenant, each human was endowed with communicable attributes of God. Likewise, under this order, every human was naturally disabled with respect to all of the incommunicable attributes of God. These disabilities were inherent within every human being's legal status under the legal order established by the Creator in this original covenant with mankind. Human abilities are confined within the ambit of God's communicable attributes, and can never extend beyond that. With this emphatically clear, it's necessary to admit that there is a set of attributes that exist within a gray area. It's a gray area because it's yet to be determined in this **exegesis** whether this set of attributes of

God is communicable or incommunicable. This gray area is a topic to be addressed shortly, under the auspices of the tree of knowledge of good and evil.

By being created in God's image, every human being is implicitly obligated to treat every other human being accordingly. Every human is obligated to treat every other human as though he/she is created in God's image, because it's a biblical fact that he/she is created in God's image. This moral obligation is inexorable, and it is therefore a covenantal obligation, a term of the covenant. It is part of the **preceptive will** of God, but it does not inherently exist within the realm of God's prescription of human law. That's because there is no evidence under the immediate jurisdiction of this covenant that God is prescribing that humans impose this obligation on other humans. God is certainly imposing this obligation on humans. For humans to impose this obligation on other humans is something entirely different.

Because Genesis 1:26-2:25 is a covenant, it is essentially a contract between God and the two humans in the garden. Because God is an active participant in this contract, it's an extremely peculiar kind of contract. God is certainly sovereign over the entire universe, and is therefore certainly sovereign over every ordinary contract that humans ever enter with one another on a day-to-day basis. But in these ordinary contracts, God is not overtly party. In contrast, in this and other biblical covenants, God is overtly and actively party. The proposition that God is overtly and actively party to a contract with humans demands some reasonable explanation for how this could ever happen. How could any human ever enter into a covenant / contract with God? To answer this question, it should help to contrast entry into covenant with God, on one hand, with entry into a contract with another human, on the other. — The only lawful way for a human to become party to an ordinary human contract is for the human to cognitively consent to participation. For the contract to be lawful, there must be conscious, deliberate, cognitive, voluntary consent and agreement to participate. On the other hand, this covenant is no ordinary contract. So it's reasonable to inquire how, exactly, the human parties enter into the covenant. It's clear from reading this passage that the humans entered into the covenant as an aspect of their creation. More specifically, when God created them in His image, they became party to the covenant as part of the creation process. So humans are participants in this covenant as part of being human. As surely as humans, by definition, have certain characteristics, one of these characteristics is that the man and woman were party to this covenant. This demands the question: If contracts are entered knowingly, voluntarily, and with cognitive consent, then why should anyone consider this covenant to be a type of contract, since the man and woman do not enter this covenant through cognitive consent? — Answering this question demands examination of the roots of agreement.

It's reasonable to assume that there is an analogy between the conception of a human being in the mother's womb, and God's creation of Adam. Contrary to the claims in the supreme court's opinion in *Roe v. Wade*, 410 U.S. 113 (1973), there is overwhelming evidence proving scientifically that the human being is human at conception.[1] Claims that the newly conceived is not really human until some time well after conception merely ignore overwhelming genetic evidence that the human is uniquely human at conception. Given that this fact is accepted as undeniably true, it's possible to inquire next about the nature of the relationship between this newly conceived human and the mother. Because it's clear that there are two people here, one residing within the other, there must be some kind of agreement between the mother and the unborn that allows the infant to live within the mother's territorial jurisdiction, *i.e.*, within her body. Even if the pregnancy is planned, neither the mother nor the child has complete control of the conception process. But it's certain that the mother has more control over the process than the unborn. — According to the definition of contract, a contract is an agreement into which humans can only enter knowingly, voluntarily, and cognitively. So if the mother and fetus have this contractual agreement, it's reasonable to ask how they came to have it, and how they entered into having it. The biological mechanisms of it are well known, and are largely beside the point. The legal mechanisms are the point. It's impossible for the fetus to give cognitive consent, because the fetus' cognitive abilities have not developed at the moment the embryo becomes attached to the uterine wall. So it's reasonable to wonder if some kind of consent other than cognitive consent could be at work in the formation of a kind of contract between the mother and her unborn child.

It's certain that in the process of developing after conception, the fetus doesn't give cognitive consent to having two arms, two legs, one brain, two eyes, *etc*. But to say the fetus doesn't agree to this developmental process is to say that the fetus is inherently set against the God who orchestrates the process. Rationally, the fetus could be (i)in favor of God's orchestration of his/her developmental process; (ii) against God's orchestration; or (iii)neutral or ambivalent about God's orchestration. If the fetus is against God's orchestration of his/her development, then that means the fetus is against having eyes, ears, arms, legs, brain, *etc*. That's perverse and unnatural on its face. If the fetus were neutral or ambivalent about his/her developmental process, then at the stage of development at which the fetus could at least attempt to defend his/her self against attack, it would not care to do so.

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1 For an examination of the legal implications of this, see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

Why should anyone try to defend something that he/she doesn't care about? But anyone who has seen a sonogram of a late-term abortion knows that the fetus fights. That fight vitiates any claim that the fetus is neutral or ambivalent about God's orchestration of his/her development. The conclusion has to be that the fetus agrees to God's orchestration of the developmental process, even if that agreement is pre-cognitive, prior to the fetus' development of cognitive abilities. As surely as the fetus develops with all these human attributes and appendages, the fetus' agreement must be assumed. Later, after developing cognitive skills, this human may detest the way he/she has developed, or may detest the fact that God exists. Perhaps at that cognitive stage, this human would wish that he/she had horns, hooves, and a tail. But the fact remains that during this pre-cognitive developmental stage, this human lacks the cognitive capacity to do anything other than to agree, tacitly, pre-cognitively, to all of his/her unique attributes. This obviously leads to the conclusion that the definition of contract needs to be expanded to include this kind of pre-cognitive agreement that must exist between the mother and the fetus. So this kind of pre-cognitive agreement needs to be added to the normal volitional agreement that is required in the formation of a normal contract. So the kinds of consent that are prerequisites to the formation of a contract must include genuine pre-cognitive consent.

Given this expanded definition of contract, it's clear that the pre-cognitive consent that exists in the contract between a mother and her unborn child must have also existed in Adam's contract with God. At creation, Adam lacked the cognitive capacity to object to any of the attributes with which he was created. To say that he did not tacitly, pre-cognitively agree to being created with all the attributes with which he was created, is to say that he was inherently in disagreement with God. This passage offers no evidence of that. So Adam must have given pre-cognitive consent to being in covenant with God. This is equally true for Eve, even though she was made from Adam's rib rather than from dust. The passage clearly states that they were both created in God's image, and were therefore created in covenant with God. That they later broke the covenant is a different issue from their being party to the covenant. They could not break a contract to which they were not first party.

While ordinary human contracts always have some kind of offer feedback loop, where the feedback loop leads to a contract based on cognitive consent, the biblical covenant found in Genesis 1:26-2:25 develops by way of Adam's pre-cognitive consent. God imposes it, and Adam gives pre-cognitive consent to participation in it. The same is equally true for Eve. So in at least one of the Bible's covenants between God and mankind, specifically, in this Edenic covenant, divine imposition and pre-cognitive consent are substitutes for the normal offer feedback loop. With

this qualification, it's reasonable to treat biblical covenants between God and mankind as special types of contracts. Like all other kinds of genuine contracts, this covenant is based on the agreement of the parties. The difference is that in ordinary contracts, the agreement is volitional and cognitive, while in this biblical covenant, the agreement is pre-cognitive. So Adam and Eve each gave pre-cognitive consent that was later confirmed by implied cognitive consent, *i.e.*, by their respective actions prior to being tempted by the serpent. Each pre-cognitively volunteered to be a miniature sovereign, an image bearer, in perpetual covenant with God.

It's common knowledge among jailhouse lawyers, and even among the men on the street, that the prerequisites for the existence of a contract are given by the following formula: A contract consists of offer, acceptance, and consideration. In a simple sales contract, a shopkeeper who sets a sign in front of his shop, saying, "Buy Widgets Here", is offering widgets. A passerby who walks into the shop, and tells the shopkeeper, "I want to buy one widget", is accepting the shopkeeper's offer. When the buyer hands the cash stipulated in the offer to the seller, the buyer is giving his/her consideration to consummate the contract. When the seller hands the widget over to the buyer, the seller is giving his/her consideration to consummate the contract. All this is simple, straightforward, and common sense. This simple pattern applies generally to all contracts. But contracts can get extremely complex, so much so that this simple 1-2-3 pattern often seems to get lost in the weeds. Sometimes that's because there is fraud built into the presumptive contract. But even if the contract is not fraudulent, extraordinary features can obfuscate the pattern. For example, the extraordinary offer feedback loop in the Edenic covenant may seem to negate this simple 1-2-3 pattern. But by understanding the innate nature of the parties, God, Adam, and Eve, one understands that God's imposition is an undeniable offer, while the people's pre-cognitive consents are irrevocable acceptance. God offers. They accept.

As one would expect, the consideration in the Edenic covenant is more complex than cash and widget. God created the universe for His own glory and for His own pleasure. By nature, all of creation glorifies Him. The humans He also created to glorify Him. But the kind of glorification offered by the humans in this original covenant was unique in creation, because humans in sinless glorification of God exist in beatific relationship with Him. The garden of Eden symbolizes this situation in which the people lived *coram Deo*, in God's presence, in constant exaltation of God, even in their labor. So this was the consideration that the people gave to God in this covenant, and this constant glorification of God was the purpose for which God created the people. God gave them life as consideration, and they gave God glory as consideration. Part of their glorification of God entailed their obedience to the

creation ordinances. The consideration that God gave to the people was not merely life, but life in perpetual beatific relationship with God, in which their greatest pleasure was pleasing Him.

Being created in God's image obligates the human parties to act accordingly. It obligates them to behave as image bearers. It also obligates God to hold the humans accountable for acting in accord with the fact that they are image bearers. But there's no indication within this covenant that this term obligates humans to hold other humans accountable, *i.e.*, through human law.

Being created in God's image means that they were created with God-like rights, the rights of miniature sovereigns. The most obvious and all-embracing such right was the right to "have dominion", possess, own property. This goes with being miniature sovereigns who inherently exercise their sovereignty over their particular jurisdiction.

Sub-Chapter 2: Regarding Verses 1:27b; 2:18, 21-24: Created Male and Female

God created man in His own image, and He created humanity both male and female. This clearly implies that God has both male and female attributes. It also implies that before the female was created from the rib, the man had both male and female attributes.[1] After the creation from the rib, the male still had both male and female attributes, and the female had both male and female attributes, but in the male, the male attributes are dominant, and in the female, the female attributes are dominant. This dominance of male attributes within males, and of female attributes within females, is essentially a set of privileges or abilities. The male has the privilege of being male and the disability of not being female. The female has the privilege of being female, and the disability of not being male. This arrangement of privileges and disabilities inherently carries obligations. The male is obligated to accept his inherent privileges and disabilities, and to not attempt to be female. The female is obligated to accept her inherent privileges and disabilities, and to not attempt to be

1 It's certainly reasonable to see this creation of the woman from the man's rib as a metaphorical operation. In fact, it's difficult in Genesis 1-3 to discern exactly where metaphor begins and where pure fact-claim ends. Nevertheless, the *sensus literalis* demands that where genre analysis cannot distinguish metaphor from more rudimentary literalism, the reader should choose whatever most fits with established biblical facts.

male. These privileges and disabilities are covenantal benefits and obligations. The obligations are owed to the other parties to the covenant, as well as to oneself.[1]

Verse 2:18 clearly indicates that the woman was created out of a quest to find "a helper fit for" the man. Verse 2:23 clearly indicates that in the man's opinion, the woman offered the best prospects for satisfying that need for a helper. — Even though the modern feminist may claim that these verses are "sexist" and offensive, this passage depicts the relationship between husband and wife as being mutually complementarian, and inherently harmonious and inoffensive. The fact is that by nature, males are disabled from being female, and females are disabled from being male. There may be a medical condition in some rare individuals, in which those individuals have both male and female sexual characteristics and genital tissues, but these individuals are never hermaphroditic in the biological sense. They never have fully functional reproductive organs that are both male and female, the way oysters and many flowers do. It's necessary to conclude that in humans, hermaphroditism is a function of the fall, and is not the way that God created humans in the creation covenant.[2] On the contrary, under the creation covenant, every male is disabled from being female, and every female is disabled from being male. Such disabilities don't go away simply because one has a sex-change operation. A sex-change operation is cosmetic surgery, and it doesn't change the genes that made the patient come out of the womb with one sex or the other.

The fact that in this passage, the woman was made a helpmate for the man, should be understood to exist within the context of complementarity. Under complementarity, the woman helps the man, and the man helps the woman. This is a division of labor.[3] When the man and woman operate within the confines of this complementary division of labor, they have a harmonious relationship with one another. That's the way they were created. But starting at the fall, humans become capable of perverting this division of labor. In fact, as is clear in Romans 1:26-27, starting at the fall, humans are capable of perverting not only this natural division of labor, but also their sexual passions. This is precisely why there is necessarily a moral injunction built into this passage in regard to being created male and female. Being created male and female certainly includes an injunction to preserve the

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1 These benefits and obligations constitute contractual consideration. Consideration is by definition the existence of mutual obligations and benefits.

2 Even so, people who suffer from this genetic disorder are still image bearers, people who have the *imago Dei*, and therefore deserve to be treated as such.

3 Under this division of labor, the female covers the male's vulnerabilities, and the male covers the female's vulnerabilities. This exchange is essentially an exchange of contractual consideration.

sanctity of the marriage bond.[1] This is evident by the fact that immediately after the complementarity relationship is identified in 2:23, verse 24 says, "Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh." But it should be understood that preserving the sanctity of the marriage bond includes rejection of homosexuality in its many manifestations, including cross-dressing, transsexual surgery, and sodomy. It also includes rejection of threats to this fundamental division of labor. It also includes rejection of extra-marital sexual relations of any kind.

Even though the moral implications of being created male and female are, or at least should be, obvious, it might not be so obvious that this covenant is NOT prescribing punishment by humans of people who violate these moral injunctions. The injunctions exist as moral law, but they do not exist, at least under the auspices of this covenant, as human law. There is no global mandate here requiring that people generally prosecute people who violate these moral standards. If people voluntarily entered into contracts with one another, where the given contracts stipulated that the parties to the contract would live by these moral standards, and would duly prosecute parties who violated the standard, then that would be a way to enforce the standard with human law, at least among those party to the contract. But under the immediate jurisdiction of this covenant, there is no global mandate to enforce these moral standards as human law. As a matter of fact, there's not even any indication that in regard to the marriage covenant between Adam and Eve, that there was some human-law remedy or penalty for violation of that marriage covenant.

Sub-Chapter 3: Regarding Verses 1:26b; 28b: Dominion

In the second clause of verse 1:26, God says, "let them have dominion over" fish, birds, livestock, all the earth, and every creeping thing. This clause clearly allows humanity to take dominion over the entire planet. While 26b allows the people to take dominion, in 28b, God actually tells the people to take dominion. This "take dominion" ordinance thereby solidly falls within the moral-law leg of the natural-law tripod. — God by definition has dominion over the entire universe. Because dominion and sovereignty are largely the same thing, God is sovereign over the entire universe. By telling the people to take dominion over the fish, the birds,

1 In fact, it's necessary to conclude that within this covenant, the people gave pre-cognitive consent to being married, the same way they gave pre-cognitive consent to being party to the creation covenant.

the livestock, the creeping things, in short, all the earth, God is telling them to be sovereign over all of it. In 26b, He says, "let them have dominion … over all the earth". In 28b, God says "to them", "fill the earth and subdue it". At bare minimum, by "them", He means Adam and Eve. But because filling the earth and subduing it requires more people than just two, and because God is also telling them to multiply, it's safe to interpret "them" as meaning more than just the two. It refers also to their progeny. On its face, this mandate to subdue the earth and have dominion over it is therefore dominion and sovereignty in a communal sense. It is dominion by a vast collection of people. The thought that it means dominion by a large group of people demands some explanation for how this group is to achieve this dominion as a group. How are these people supposed to compose this group in a way that acknowledges that each person has the *imago Dei*, *i.e.*, in a way that affirms that each individual has exclusive dominion over a small subset of the earth, starting with each individual's dominion over his/her own body?

Each of these people is designated by God to be a miniature sovereign. Every sovereign by definition has just claims, *i.e.*, rights, within the territorial jurisdiction over which he/she is sovereign. Because these just claims are natural, meaning that they arise out of this creation covenant, these just claims are correctly called "natural rights". By having natural rights, each sovereign has property rights. Having dominion is equivalent not only to having sovereignty, but also to having absolute ownership over something. Anything over which someone has absolute ownership is that person's property, by definition. So if someone has just claims within some territorial jurisdiction, that person has property rights within that jurisdiction. Because not all ownership is absolute ownership, because someone else may also have an interest in the property, it's necessary to qualify the ownership with the observation that the miniature sovereign's just claims may be limited by the subject-matter jurisdiction of the miniature sovereign's jurisdiction. This line of reasoning leads to the conclusion that individual property rights are basic to taking dominion, both at the individual and at the communal levels.

In order for anyone to take dominion over anything else, the person taking dominion must first have some measure of dominion over his/her body. It's therefore reasonable to call one's body one's **primary property**. Because every human is created in the image of God, it is necessarily true that every human has absolute ownership of his/her **primary property**. On the other hand, for a given individual to take dominion over things other than one's body, like over fish, birds, livestock, *etc.*, is for that individual to claim such things as property. Because these things are secondary to one's body, it's reasonable to call such things **secondary property**. Obviously, **primary** and **secondary property** are things that are claimed by

individual miniature sovereigns. But these mandates to take dominion are largely communal. For anything communal to exist, even among sinless humans, there must necessarily be some measure of agreement among the people about how to share their respective claims over the same thing. Among sinless people, such an agreement might come easily. Among people who are not sinless, agreements don't come easily, and it's usually necessary to formalize the agreement into a contract. A contract is simply an agreement in which there is offer, acceptance, and consideration. But in a complex contract that is intended to have a perpetual existence, the contract must also have penalties stipulated for the sinner who violates the contract. Without a penalty, the contract is not enforceable. If it's not enforceable, then fallible humans are prone to not give it due diligence. So communal dominion over all the earth, where the dominion is held by miniature sovereigns operating communally, requires an extraordinary degree of coordination, cooperation, and agreement.

This dominion is clearly an assignment that God gave to the human race. Even so, for anyone who wants to violate this creation ordinance, who perhaps prefers to treat the property that God gives them as so much trash, God certainly has penalties under the moral law. But there are no penalties in this covenant that God prescribes that human execute against human. There is no global prescription by God of human law in regard to this dominion creation ordinance, evidenced by the fact that there is no call for human to prosecute human. Even so, this dominion creation ordinance is certainly moral law that is global, meaning that it applies to all human beings.

There is one final thing that should be said about this take-dominion creation ordinance. It's important to notice that the territorial jurisdiction of this ordinance is "all the earth". But the territorial jurisdiction of the Edenic covenant is ostensibly the garden of Eden, some parcel of territory that is much smaller than "all the earth". Some people may want to dismiss this observation simply because the entire passage appears to be so symbolic and metaphorical. Their argument would be that because the entire passage is so full of apparent symbols and metaphors, it makes little sense to make a big deal out of the difference between the garden of Eden and all the earth. But this is clearly not a distinction that the author of Genesis made lightly, and it has profound implications for the relationship between the Edenic covenant and the next covenant. In fact, it has profound implications for the entirety of Scripture.

It could be argued that because God told them to take dominion over the whole earth, while He put them in the garden and told them to tend it, that He left the territorial jurisdiction of the Edenic covenant ambiguous. But this ambiguity is intentional. It's a "studied ambiguity". The fact that God put them in the garden indicates that the garden was the starting point for the process of taking dominion.

Sub-Chapter 4: Regarding Verse 1:28a: "Be Fruitful and Multiply"

God's mandate to "Be fruitful and multiply and fill the earth" is closely related to the take-dominion mandate. This is evident by the fact that the appendage to this mandate is, "and subdue it [(the earth)], and have dominion". Though they are related, multiplying and taking dominion are two different things. So there are two different creation ordinances within the same sentence.

It should already be clear that God intended for this multiplication to happen through the sanctity of the marriage bond. This is important because it contrasts with any attempt at multiplication outside the marriage bond. It's also clear that God purposed the preservation of the marriage bond to happen within a context in which all the creation ordinances are obeyed. — These days, claims to overpopulation, and prognostications of Malthusian population disasters, are rampant.[1] They are broadcast by almost every secular government from the United Nations down. As a result, a belief is common that the basic thrust of this multiply mandate has no place in the 21st-century. Nevertheless, the mandate is a crucial part of collectively taking dominion over the earth. But this multiply mandate should not be segregated from the other creation ordinances, as though it's lawful to take a smorgasbord approach to this covenant, or to the Bible in general. In fact, the creation ordinances form a fabric that should not be ripped. The multiply mandate is connected to the dominion mandate, which is connected to the marriage-bond mandate, which is connected to the mandate that everything that humans do must be done in a way that honors God and that honors the *imago Dei* in others. But this fabric created by the creation ordinances has practically never been part of the debates over Malthusian theory. It has also generally not even been part of the everyday debates about how to constitute human government and human laws. The ideologies that have been dominating the debates for a long time are prone to eugenics, which has never shown signs of respecting the *imago Dei* in anyone. Quite the opposite. Eugenics is generally application of ideas about how to control animal populations, to human populations,

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1 Malthusian theory — "The theory that populations tends [(*sic*)] to increase faster than the means of their subsistence so that starvation, poverty and misery are inevitable unless populations are controlled by disease, famine, celibacy, 'vicious practices' (contraception), infanticide or war. The theory was proposed in An Essay on the Principle of Population, 1798 (Thomas Robert Malthus, 1766-1834, English theorist)." — Youngson, Robert M., **Collins Dictionary of Medicine** (2004, 2005). — URL: http://medical-dictionary.thefreedictionary.com/Malthusian+theory, retrieved 29 February 2016.

as though humans are nothing more than animals. Eugenics and Malthusianism are the products of people who harbor delusions of grandeur, as though they were God. Following God, instead of trying to be God, leads to a completely different set of prognostications.

The "Be fruitful and multiply" creation ordinance is clearly a subset of the moral-law leg of the natural-law tripod. However, like all the other creation ordinances in the Edenic covenant, it does not exist within the arena of human law.

Sub-Chapter 5: Regarding Verses 1:29; 2:9a, 16: Vegetarian Diet

In verse 1:29, God gives the vegetable kingdom to mankind as food. Verse 2:9a narrates that God made to grow from the ground trees that are "pleasant to the sight and good for food". So God originally made humans as herbivores. In fact, the entire animal kingdom was herbivorous according to verse 1:30. But under the Noachian covenant (v. 9:3), God changed the terms of the covenant that people lived under, making people omnivorous. The shift in diet was probably necessary to acclimate humanity to the territorial jurisdiction of the new covenant under which they would live. This shift in diet is an example of **progressive revelation**. The territorial jurisdiction of the creation covenant was the garden of Eden, and there was apparently no need under the creation covenant for an omnivorous diet. As people came to live under different circumstances, and as they came to live under different covenants, God revealed to them different aspects of the natural law, this being aptly called **progressive revelation** by some theologians.

In the process of telling the people what's good for food, God also told them what's not. He explicitly told them that the tree of knowledge of good and evil was not good (v. 2:17). But it's implicit that anything outside the vegetarian diet was also not good. Because people are capable of eating many kinds of things that are outside the range of this good, vegetarian diet, this instruction to eat the good diet clearly falls within the moral-law leg of the natural law. Even so, it is outside the realm of human law.

Sub-Chapter 6:
Regarding Verses 1:31; 2:25:
Everything Was Created Good, Even People

Genesis 1:31 clearly states that under the creation covenant, all of God's creation was "very good". This means that as created, humans were "very good". It's safe to interpret this to mean that as created, humans were sinless.[1] This sinless state is probably the reason "the man and his wife were naked and were not ashamed" (v. 2:25). Why be ashamed about something when there's nothing wrong?

The mention of shame in this passage provides incentive to explore what sin is, to contrast it with what is "very good". The Didactic states clearly that "the wages of sin is death" (Romans 6:23, **ESV**). In the Bible's source languages, the words translated into English "sin", not only in this verse, but throughout the Bible, generally have roots that mean, "to miss the mark".[2] This implies that humans are aimed at something, but that they miss whatever it is they're aiming at. Humans being created "very good", and therefore without sin, confirms that humans were created for eternal life, but somehow, at some point in time, humans started missing what they were aiming at, and as a result they started dying. To understand this disintegrative process, it's critical to understand what humans were originally aiming at. This is a crucial issue in unpacking the first three chapters of Genesis, as will be evident as this **exegesis** continues.

For reasons that will become obvious as this chronological **exegesis** proceeds, it's important to understand the people's sinless state within the context of how the humans were constituted. There is information that can be gleaned from the Didactic about the composition of human beings that is extremely relevant to how humans are constituted in the sinless state. In 2Corinthians 12, the Apostle Paul says,

> 2 I know a man in Christ who fourteen years ago was caught up to the third heaven – whether in the body or out of the body I do not know, God knows.

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1 Both humans and animals were created sinless. But humans were created with a capacity to become sinful, while animals were not. — Porter, **Theodicy: Science, Bible, & Law**, 2013, Jural Society Press, Eden Prairie, Minnesota, Part I, Chapter B, Sub-Chapter 3, "Permanence and Impermanence". — URL: http://BasicJurisdictionalPrinciples.net.

2 In Hebrew, Strong's #s 2398, 2399, 2401, 2403. In Greek, Strong's #s 264, 266. — James Strong; **The Exhaustive Concordance to the Bible**, 1890. — URL: https://biblehub.com/strongs.htm, retrieved 11 March 2016.

> 3 And I know that this man was caught up into paradise
> – whether in the body or out of the body I do not know,
> God knows –
> 4 and he heard things which cannot be told, which man
> cannot utter.
>
> (2Corinthians 12:2-4; **ESV**)

A simple reading of this passage within the context of the entire chapter makes it obvious that Paul is speaking of himself. — This passage makes it clear that in Paul's apostolic opinion, there are at least three heavens. Because he never mentions more than three, and because there is little or no conclusive evidence anywhere else in Scripture to indicate that there are more than three, it's safe to conclude that there are at least three heavens, and that if there are more than three, the fourth, fifth, sixth, *etc.*, must be largely irrelevant to this **exegesis**. If it's accepted as biblical fact that there are three heavens, and if it's also accepted that the third heaven is what Paul calls "paradise", then that leaves a question about what the other two heavens are. The Septuagint refers to the garden of Eden as paradise in Genesis 2, using the same Greek word (*paradeisos*, Strong's #3857) that appears in Luke 23:43 ("today you shall be with Me in Paradise", **NASB**), 2Corinthians 12:4 ("was caught up into Paradise", **NASB**), and Revelation 2:7 ("which is in the Paradise of God", **NASB**). It's obvious by the sequence of events in Genesis 1-3 that God does not allow sin into His paradise. So whatever these other two heavens are, they must be places other than His paradise, and probably places in which sin and evil are allowable. They must be places, or fields of perception and action, or something, that are more likely to allow sin and evil.

A survey of the word most translated from Hebrew (*shamayim*, Strong's #8064) into "heaven" in **NASB** and **KJV** shows a mixture of usage, some usages referring to the physical sky and some referring to God's abode. The same mixture exists in regard to the word most translated from Greek (*ouranos*, Strong's #3772) into variations of "heaven" in **NASB** and **KJV**. There are translations in references to the night sky and the day sky, meaning the physical sky in both Hebrew and Greek, and translations referring to God's abode, "paradise". Certainly usage of this Greek word to mean "kingdom of heaven" are references to God's abode. Although these Greek and Hebrew words usually pertain to either paradise or the physical sky, there are verses like Ephesians 6:12 that refer to "spiritual forces of evil in the heavenly places" (**ESV**). The Greek word translated to "heavenly places" is *epouraniois* (Strong's #2032). But that word is used elsewhere to refer to God's abode.

This brief study on various translations to "heaven" from the source languages shows that the Scriptures don't specifically identify what the first and second heavens are. Nevertheless, this short study of the source words for "heaven" does show that

there must necessarily be three different concepts. The third is clearly identified by Paul as paradise, God's abode. It's reasonable to call the first the "sky", as it can be perceived by the physical senses, regardless of whether it's the night sky or the day sky. But there is clearly a heaven that cannot be perceived by the physical senses, and that therefore doesn't fall within what is normally understood to be a physical field of perception. Sin and evil clearly exist in this middle heaven, so that this middle heaven cannot be identified as God's abode. And because it cannot normally be perceived through the physical senses, it cannot be identified with the physical sky. With the third heaven identified as paradise, God's abode, and the first heaven identified as the physical sky, the second heaven must be this realm in which there is open warfare between good and evil, and which generally cannot be perceived by the physical senses. So this identifies Paul's three heavens. It's clear that the first and third heavens are fields in which humans can perceive and act. That the second, middle heaven is also a field of perception and action is demonstrated by passages like the story of Lot being saved by angels in Genesis 19. — For the sake of keeping clear distinctions between the three fields of perception and action in which these three heavens exist, it may help to identify them with linguistic cues. This booklet identifies the field of perception and action within which Paul's third heaven exists as the **Spirit**. It calls the field of perception and action of the first heaven the **physical** field. The middle, second heaven is the realm of the human soul. Sometimes this middle field of perception and action is superimposed on the **physical** field, as in Genesis 19. But sometimes it's not, as in much of John's vision in Revelation. This booklet calls this middle field of perception and action the **psychic** (after *psuche*, Strong's #5590) field of perception and action. The **psychic** field is the non-physical realm that is capable of containing both good and evil.

Now that these three fields of perception and action have been identified, it's possible to see how they relate to the creation covenant. — It's probably safe to assume that under the creation covenant, these people were inherently capable of operating in each of these three fields of perception and action. Because the garden of Eden was equivalent to what Paul called "paradise", it's clear that they had access to the **Spiritual** field of perception and action, and were living in beatific relationship with God prior to the temptation and fall described in Genesis 3. Because they were created from dust (v. 2:7), it's clear that they had **physical** bodies, and were therefore capable of perceiving and acting in the **physical** field. But the extent to which they had access to the **psychic** field of perception and action was necessarily limited. By definition, there was no sin or evil in paradise, but the **psychic** field is defined as having, or at least allowing, sin and evil. Perhaps Job 1:6-12 can shed some light on these circumstances. In that passage in Job, Satan, the epitome of evil, comes into the presence of God to bargain with God over Job's status. This audience with

God must have been at the interface between the **Spiritual** and **psychic** fields of perception and action. Being the epitome of evil, Satan isn't allowed into paradise, but because Satan is an aspect of God's creation, there must be some interface between God and Satan. Did Satan intimidate God? No. As a fallen angel, Satan is still an angel under God's control, and Satan is incapable of causing God to break His eternal law, *i.e.*, of causing God to sin. So God is not intimidated by Satan. On the contrary, Satan has an important role to play in the unfolding of God's plans for humanity. In contrast with Satan's relationship with God, Satan's relationships with humans can be extremely intimidating to them. A major difference between God's relationship with Satan and the human's relationship with Satan is in whether one can keep Satan in his place or not. Jesus certainly kept Satan in his place during His temptation, and throughout His life on earth. But were the people in the garden capable of keeping Satan in his place? As long as the people confined their choices to those specified as lawful within the garden, yes, they could keep Satan in his place. Satan was just another one of the angels, a serpent, another creature created "very good". As long as they avoided eating off the tree of knowledge of good and evil, the serpent was just another harmless creature. So before the fall, the people had access to the **psychic** field of perception and action the same way God does, *i.e.*, without being intimidated or deceived by anything in it. The fact that they fell, that they gave in to the serpent's temptations, is proof that in their access to the **psychic** field of perception and action, they were vulnerable to losing their capacity to keep Satan, sin, and evil in God-like perspective. Why they gave in to the temptation is an issue that will be addressed shortly. — The tree of knowledge of good and evil was banned by prohibition. They could access the tree, but they were told not to. So they could perceive and act in the **psychic** field. They probably only had enough knowledge of good and evil to operate within the confines of the garden, and to stay in that state of beatific sinlessness for as long as they refrained from that tree. They must have had the capacity to perceive and act in the **psychic** field with impunity, as long as they did not eat off that tree. — The tree of knowledge of good and evil is clearly metaphorical. What the metaphor represents will be addressed shortly.

As will be clear as this **exegesis** continues, these three fields of perception and action are extremely important to understanding God's first two covenants with mankind. It's therefore important to assume that the man and woman were created with the capacity to perceive and act in all three fields, and that this capacity was "very good". Evidenced by the existence of the banned tree, the people had a moral obligation under this covenant to try to maintain their status as "very good".

This Edenic passage ends with a description of the status of the people in the garden. Verse 2:25 says that "the man and his wife were both naked and were not

ashamed". This indicates that the man and his wife were able to keep both the exalted and the humble features of human nature in their minds simultaneously, without noticing any inherent conflict between being created from dust and being able to commune with God. The exalted nature did not belittle the dirt nature, making it ashamed. Instead, the exalted and the humble lived together intermixed and intermingled harmoniously in each person, the **Spirit**, the **physical**, and the **psychic** being conversant each with the other, without conflict. It's reasonable to conclude that this harmony between these three fields of perception and action is included as an attribute of their being created "very good", and that their being created "very good" is a sign of their complete harmony with the natural law, and complete conformity thereto. This complete harmony with natural law must be the mark at which they were aiming. As long as they did not eat from the tree of knowledge of good and evil, they did not miss the mark. They did not sin, and they continued in beatific relationship with God. — Being created "very good" implicitly indicates that humans were created with a moral obligation to avoid missing the natural-law mark, and a moral obligation to seek sinlessness. But under the immediate jurisdiction of this covenant, this does NOT mean that God prescribed human law as a function of this term in the moral-law leg of the natural law.

Sub-Chapter 7: Regarding Verses 2:1-3: Seventh-Day Sabbath

On the seventh day of creation, "God rested from all his work", and He "blessed the seventh day and made it holy" (v. 2:3, **ESV**). Because God is God, He doesn't get tired. If He doesn't get tired, then He doesn't need to rest. This leads to the question, then *why does this verse say that He rested?* In Mark 2:27, Jesus said, "The Sabbath was made for man, not man for the Sabbath." It follows that, (i)"God rested from all his work" in creation means that God ceased the creation process, not that He took the day off because He was tired; (ii)God sanctified the seventh day for mankind's sake, because humans need the day of rest. Because humans are created in the image of God, it stands to reason that they would want to follow God in this and accept every seventh day as sanctified, a day of resting from normal work. In fact, from Exodus 16 through Revelation 22, seventh-day Sabbath is generally recognized by the biblical authors as a universal obligation, a creation ordinance. It is therefore fitting to acknowledge that it is part of the moral law from the beginning. But like the other creation ordinances, there is no evidence in Genesis 1:26-2:25 that there is a universal obligation to enforce its observance through human law. If people voluntarily enter into contracts to enforce it on the *in personam* jurisdiction

of that particular contract, *i.e.*, on the parties to the contract, then that's certainly a lawful thing to do. But under the immediate jurisdiction of the creation covenant, it's not lawful to enforce observance through human law, because doing so clearly violates the other's miniature sovereignty.

There's an obvious question that arises out of recognition of seventh-day Sabbath: Why do most Christians keep Sabbath on the first day, rather than on the seventh day? The routine answer to this question is, "because Jesus rose from the dead on the first day". Even though it's certainly true that Jesus rose on the first day of the week, there is no mandate in the New Testament indicating that this shift from the seventh to the first is necessary, or even good. Jesus was a stickler for biblical truth. It stands to reason that His genuine followers would also be sticklers for biblical truth (using the Reformed hermeneutic, because it is the best way to discover what biblical truth is). If God sanctified the seventh day, and if there is no evidence anywhere in Scripture that God changed His mind and decided to sanctify some other day instead, then it stands to reason that the seventh day is still the sanctified day. It's certainly true that Jesus was Lord of the Sabbath (Mark 2:28), and that "The Sabbath was made for man, not man for the Sabbath" (Mark 2:27). It's also true that there was a tendency among non-Jewish converts to Christianity to keep Sabbath on the first day rather than the seventh day, from extremely early in Christian history (Acts 20:7; 1Corinthians 16:2). It's also true that seventh-day Sabbath was not imposed on non-Jewish converts to Christianity by the Jerusalem Council (Acts 15). On the other hand, it's also true that in the early Church, Jewish Christians continued keeping Sabbath on the seventh day.

It's outside the scope of this booklet to make an exhaustive argument for seventh-day Sabbath as a creation ordinance, and therefore as an ordinance to the visible Christian Church in the 21st century. Nevertheless, it should be practically beyond argument that non-Jewish Christians of the early Church were generally inclined to put distance between themselves and Jewish Christians for at least two reasons: (i) because of Paul's vehemence against Judaizers; and (ii)because it was dangerous to be a Jew, or to be mistaken for a Jew, within the Roman Empire during those early years.[1] Those may have been good reasons for distancing the non-Jewish Church from the Jewish community. So it may be reasonable to overlook the early Church's collective choice to move the Sabbath from the seventh day to the first day. But this move was never sanctioned by God through special revelation, as the seventh day had been.

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1 Jews were banned from Rome by Claudius (Acts 18:2), and they had been banned from Rome on two previous occasions (in 139 B.C. and A.D. 19). The tensions between Rabbinical Judaism and the Roman Empire were so great that they resulted in a series of wars, the "Jewish-Roman wars", from A.D. 66 to 135.

Furthermore, the only reasons 21st-century American Christians have for insisting on the first-day Sabbath is their traditions, which are supported by centuries and screeds of theological rationalizations. Even Reformed theologians have generally failed on this front. Contrary to their claims, the Reformed hermeneutic does not genuinely support those rationalizations.[1]

Sub-Chapter 8: Regarding Verse 2:7: Made from Dust

God created humanity not only in His image, but also from dust (v. 2:7). It may be true that the woman was created from the rib of Adam (v. 2:22), but the fact that Adam was made from dust means that the woman was made indirectly from dust. Being created from dust, humans have the pre-fall capacity to perceive and act in the **Spiritual** field of perception and action, and also in the **physical** field of perception and action. Humans have the pre-fall capacity for paradisaical exaltation, but also the need to remain close to the earth and humble. In the garden, these two extremes worked in harmony with each other, and there was no inherent conflict between the two. The people understood their respective jurisdictions as miniature sovereigns, and they had no apparent inclination to operate outside those jurisdictions, other than the inclination that eventually led to the fall. Even though this is true, there is a moral law, a creation ordinance, implicit in being created in this way. The ordinance is essentially a mandate that people remember that each is made from dust; that each has feet of clay; that each should not step outside his/her lawful jurisdiction as miniature sovereign; that each is inherently localized in space and time; and that although each has the natural, pre-fall capacity to perceive and act in the **Spirit**, each is also bound to the **physical**. Each has a set of insurmountable disabilities with respect to the incommunicable attributes of God. Through this ordinance, humans are called to have minds agile and large enough to hold the exalted and the humble juxtaposed, to hold the *imago Dei* and being made of dirt juxtaposed, in peaceful coexistence. This is an obligation that every human owes not only to God, but also to the other human.

Although the moral obligation to stay humble certainly exists, there is no indication that there is a call for human to enforce this obligation upon human, under the immediate jurisdiction of this covenant. God does not prescribe this as

1 For more about this issue, see below, Part II, Chapter 11, Sub-Chapter 2, "The Mosaic Covenant", Section (iii), Sub-Section (5), positive *mitzvah* 154.

human law. Under the jurisdiction of this creation covenant, this obligation is to be enforced each individual upon his/her self, through his/her clear conscience.

Sub-Chapter 9: Regarding Verses 2:8, 15a: In the Garden

The statement, "God planted a garden in Eden …, and there he put the man", essentially defines the territorial jurisdiction of this Edenic covenant. The fact that the woman was made from Adam's rib is evidence that this covenant extended to her, and therefore its territorial jurisdiction extended to her. It's critical to notice that this territorial jurisdiction of the Edenic covenant is much smaller than the earth as a whole. God told the people to take dominion over the entire earth (v. 1:26, 28), but this covenant's territorial jurisdiction only exists within the garden of Eden. This is clear from the fact that when they violated the covenant (Genesis 3), they were exiled from the garden and banned from re-entry, and all the terms of the covenant were essentially renegotiated at that time.

The fact that the garden of Eden is the territorial jurisdiction of the Edenic covenant may not impose any obvious obligation on the people, but when combined with other creation ordinances, it forms an important aspect of the moral law. It's an obvious standard in the moral law that people should not breach contracts unless they have an overwhelmingly good reason for doing so. To avoid breaching a contract, it's necessary to honor the contract's jurisdiction, its personal, subject matter, and territorial jurisdictions. As will be evident shortly, the fact that the people violated the contract's subject-matter jurisdiction relates directly to its territorial jurisdiction.

Sub-Chapter 10: Regarding Verses 2:9b, 16: Tree of Life

Verse 2:9b indicates that God planted two special trees in the midst of the garden, the tree of life and the tree of knowledge of good and evil. Verse 9 indicates that both of these trees were "pleasant to the sight and good for food". It also indicates that both of these trees were "in the midst of the garden". This is important when the woman enters into her conversation with the serpent in Genesis 3, because she insinuates there that it's ambiguous whether both trees are in the midst, or only the one that was banned.

The tree of life is clearly metaphorical. It clearly symbolizes eternal life. But this is not eternal life in an absolute sense. That the tree of life symbolizes eternal life is evident from reading Genesis 3:22-24. Those three verses describe how God drove the people out of paradise, and it quotes God, indicating why He exiled the people: "lest he reach out his hand and take also of the tree of life and eat, and live forever" (v. 3:22). This phrase appears to indicate that if the man and woman had eaten off the tree of life after having eaten off the tree of knowledge of good and evil, then they would have lived forever. As will be clear shortly, that was never a real threat, and God's saying this was somewhat tongue in cheek. In fact, Revelation 22, in combination with Genesis 3:22, makes it clear that it's possible for people to have knowledge of good and evil and to live forever at the same time. Revelation 22 indicates that the inhabitants of the New Jerusalem will have access to the tree of life. This fact needs to be juxtaposed to Genesis 3:22. When God said, "'Behold, the man has become like one of us in knowing good and evil'", he was clearly indicating that the people had acquired the attribute of knowing good and evil. There is nothing anywhere in Scripture indicating that after humanity acquired this attribute, that they somehow later lost the attribute. So it must necessarily be true that in the New Jerusalem, the people will have the attribute of knowing good and evil, and will also have access to the tree of life. It's also important to notice that 3:22 clearly indicates that God has the attribute of knowing good and evil. Therefore, that attribute in and of itself is not evil, and it is a communicable attribute of God.[1]

It's necessary to understand that (i)the people had access to the tree of life when they were in the garden of Eden; (ii)the people were denied access to the tree of life, and it became inaccessible to them when God drove them out of the garden; and (iii)the people will regain access to the tree of life when they enter the New Jerusalem. Combining these biblical facts with similar biblical facts about the tree of knowledge of good and evil, it's clear that there are three different configurations of these knowledge / life attributes: (i)In the garden, they lack the attribute of knowing good and evil while having access to the tree of life. (ii)Out of the garden (but before

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1 To understand how God's knowledge of good and evil is communicable, it should be helpful to compare it to God's power. God's power is communicable, evidenced by the fact that it takes power for any human to do anything. But God's omnipotence is not communicable. Likewise, God's knowledge is communicable, evidenced by the fact that humans are capable of knowing things. But God's omniscience is not communicable. The reason humans are not capable of omniscience is because humans are localized in space and time, and therefore incapable of knowing all things. Although the moral subset of God's knowledge, knowledge of good and evil, is communicable, humans are not capable of knowing all of it at once, the way God does. Humans are limited to knowing what they need to know when they need to know it, and this limitation extends to moral knowledge.

the New Jerusalem), they have the attribute of knowing good and evil while lacking access to the tree of life. And (iii)in the New Jerusalem, they have the attribute of knowing good and evil while having access to the tree of life.

Because Genesis 3:22 indicates that eating from the tree of life could cause the people to "live forever", it's reasonable to wonder whether the people ate from that tree when they were living in the garden, before the fall. If they did, and if the tree of life symbolized eternal life in an absolute sense, wouldn't that mean that they would live forever, even if they ate from the banned tree? Reformed theologian, Geerhardus Vos took the position that the tree of life symbolized eternal life in an absolute sense, and he concluded that they must have NOT eaten off the tree of life while they were in the garden, even though they had access to it. Vos deals with the symbolism in the first three chapters of Genesis as though the symbols translate readily into principles. He says, "Four great principles are contained in this primeval revelation, each of them expressed by its own appropriate symbol." He correlates the principles with the symbols like this:

> [1] the principle of life in its highest potency sacramentally symbolized by the tree of life;
>
> [2] the principle of probation symbolized in the same manner by the tree of knowledge of good and evil;
>
> [3] the principle of temptation and sin symbolized in the serpent;
>
> [4] the principle of death reflected in the dissolution of the body.[1]

Although there is certainly truth in Vos' characterization of these symbols as "principles", there are subtle errors that arise out of Vos' correlation.

Regarding "the principle of life in its highest potency … symbolized by the tree of life", Vos says,

> It appears from Genesis 3:22, that man before his fall had not eaten of it … The tree was associated with the higher, the unchangeable, the eternal life to be secured by obedience throughout his probation.[2]

Contrary to Vos' claim, there is no sure evidence in the Bible to indicate that the people never ate from the tree of life prior to their fall. The claim that they did not thus eat is therefore based on speculation that arises by characterizing the tree of life

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1 Vos, Geerhardus; **Biblical Theology: Old and New Testaments**; 1948, William B. Eerdmans Publishing Co.; 1975, reprinted 2004, Banner of Truth Trust, Carlisle, Pennsylvania, p. 27.

2 Vos, p. 28.

as "the principle of life in its highest potency". Because the people had ready access to this tree as long as they resided in the garden, it's an act of subtle **eisegesis** to draw the conclusion that they never ate of it from the claim that this tree symbolizes "the principle of life in its highest potency". Rather than regard the tree of life as "the principle of life in its highest potency", it's more accurate to characterize the tree of life as the symbol of life without sin. Whether life is potent or not is not as relevant to the human condition as whether the life is sinless or not. The sinless human life is the life that goes on forever, or at least for as long as it remains sinless. This claim is consistent with Romans 6:23.

Genesis 3:22 appears to imply that God believed that if the sinful man ate from that tree, he would live forever, even as a sinner. But this interpretation of 3:22 conflicts with Romans 6:23, which clearly states that "the wages of sin is death". Because the people had become sinners by eating from the tree of knowledge of good and evil, they would surely die. There is therefore a problem in interpreting 3:22 to mean that there was any real possibility that the people might "'take also of the tree of life and eat, and live forever'". Because they were doomed from the instant that they became sinners, and they became sinners immediately upon eating from the tree of knowledge of good and evil, there was no real possibility that they could eat from the tree of life and live forever as sinners. To assume otherwise is to put Genesis 3:22 and Romans 6:23 in conflict. So there must be some interpretation of Genesis 3:22 that does not generate this conflict.

An alternative interpretation is that the tree of life symbolizes what naturally and inherently belongs to humans in the sinless state. Under this interpretation, God's blocking the tree of life in 3:22 was the natural and normal course of events. Humans offered no real threat of being sinners and living forever at the same time. When God said, "Now, lest he reach out his hand and take also of the tree of life and live forever", He was not saying that there's any real threat of that happening. It's more accurate to understand God's statement in 3:22b as measured sarcasm than to see it as a statement of real possibility.[1] God was saying that the man is so perverse that he thinks that it can happen. The deluded man thinks he can be a sinner and live forever at the same time. So the man will certainly try to make that happen. So access to the tree of life had to be explicitly denied so that the man would learn: He's now a sinner, and death is an inevitable part of being a sinner.

By seeing the tree of life as a symbol of the sinless human life, rather than as "the principle of life in its highest potency", the discrepancy between Romans 6:23 and

1 When God speaks truth to humans, the truth He speaks is accommodated to human capacities. Under the auspices of this fact, it's reasonable to see 3:22b as measured sarcasm.

Genesis 3:22 is removed. The verbiage in Genesis 1-3 certainly supports the belief that "the man" did not eat of the tree of life between the time of eating of the tree of knowledge of good and evil and the ejectment in Genesis 3:22-24. Even so, the possibility exists that the people ate of the "tree of life" before eating of the tree of knowledge of good and evil. The belief that the tree of life symbolizes "the principle of life in its highest potency" exalts the tree-of-life symbol into a concept of eternal life that transcends probation. If it transcends probation, then why was it in the garden of probation in the first place?

In addition to the problems in Vos' view of "the principles of life in its highest potency", there are also problems in at least two of the other principles in his list of four principles. As will be shown, the tree of knowledge of good and evil certainly symbolizes the principle of probation. But it also symbolizes more than merely probation. It also symbolizes the mechanism through which the road to the New-Jerusalem was opened, and through which humans assumed – albeit with fear, loathing, resentment, bitterness, and infantilism – full responsibility for their choices as miniature sovereigns.

As will be shown shortly, it's certainly reasonable to believe that the serpent symbolizes sin and temptation. However, because sin is the act of missing the natural-law mark (*i.e.*, a lack of conformity to the natural law), and because temptation is the motivational inclination to miss the natural-law mark, the serpent symbolizes more than merely the principle of temptation and sin. Because mis-perception is a crucial ingredient in the process of giving in to temptation, temptation involves a possible failure in cognition. It therefore involves all three legs of the natural-law tripod. It's therefore important to include all three legs in the conception of temptation and sin if one is to have a holistic view of this principle.

When the people are sinless, they have access to the tree of life that symbolizes eternal life. When they are not sinless, they don't have such access. Because they had perpetual life in their sinless state, before eating the banned fruit, they probably had access to the tree of life, and actually ate from it. But that perpetual life was conditioned on their avoiding the banned tree. Regardless of whether the people ate from the tree of life before the fall or not, it's clear that God has put the desire for eternal life in the heart of every human being, as an aspect of being created in God's image. It's also clear that that desire can be overridden by perversion.

The moral law inherent in the tree of life is essentially that people should seek life, and generally avoid doing things that lead to death. As usual, there's no human law associated with this under the immediate jurisdiction of this covenant.

Sub-Chapter 11: Regarding Verses 2:9c, 17: Tree of Knowledge

To keep the tree-of-knowledge creation ordinance in perspective, it's important to keep it in its literary context:

> And the Lord God commanded the man, saying, "You may surely eat of every tree of the garden, but of the tree of knowledge of good and evil, you shall not eat, for in the day that you eat of it you shall surely die."
>
> (Genesis 2:16-17; **ESV**)

Throughout most of Church history, the emphasis in interpreting these verses has been on God's commandment and the human's need for obedience. Because of the historical tendency to conflate obedience to the state, and to other human authorities, on one hand, with obedience to God, on the other, it's important to discover the genuine motivational factors at work in and around these two verses, rather than to be satisfied with a slavish face-value interpretation of "God commanded". To find these motivations, these underlying inclinations, that impel the people to disobey the mandate, it's important to understand what it means for God to mandate anything; what it means to eat; what "knowledge of good and evil" is; what "in the day that you eat of it" means; and what it means to "surely die". But the most important of these to understand is what knowledge of good and evil is. However, if one does not get past the slavish face-value interpretation, with its overwhelming commitment to the mandate-obedience motif, then one will never be able to explore the knowledge-of-good-and-evil motif sufficiently to properly comprehend this creation ordinance. Although the mandate-obedience motif is true, its motivation is ultimately fear, which is sometimes not sufficiently convincing to the mind. The mind needs to be convinced by evidence and reason. The Christian is also clearly encouraged by Scripture to renew the mind in Christ, which primarily means mind renewal through Scripture. But because God is sovereign over all, it also means by way of general revelation. For these reasons, it's necessary to not be satisfied with the mandate-obedience motif, even though it's true, and it's necessary to find evidence and logic to convince the mind.

There is a chain of error that starts in traditional Reformed theology's interpretation of Romans 13:1-7, and of other passages in the Didactic that address the same subject matter. The error begins in the failure to recognize that if one does not acknowledge that the Romans 13 passage exists in a jurisprudential genre of literature, then one cannot rid the interpretation of contradiction. Without proper genre analysis, both the passage's internal contradiction and its contradiction of

numerous passages in the rest of Scripture will remain. But instead of entering into proper genre analysis of that passage, the traditional **exegete** assumes, based on vernacular definitions of the terminology in the passage, that the state has a God-given right to exist. The traditional **exegete** thereby fails to recognize that the polity to which the passage implicitly refers is not the traditionally conceived state, but an entirely different polity. From this original error in the chain of error, the traditional Reformed **exegete** attempts to interpret Genesis 1&2, thereby importing at least one invalid assumption into the interpretation of the creation covenant. The invalid assumption is that one must obey the state. Because of carelessness in the **exegesis** of Romans 13, non-Reformed **exegetes** are also prone to include the invalid assumption that one must obey other human authorities with equally blind obedience. Thus the overemphasis on the mandate-obedience motif is cemented into the **exegesis** of Genesis 2:16-17. That overemphasis is **eisegesis**, and not **exegesis**. This chain of error is compounded drastically by the modern **exegete**'s failure to recognize the existence of eternal law and natural law throughout Scripture, but especially in these first two chapters of Genesis. The **exegete** thereby fails to acknowledge that the recognition of natural law is a prerequisite to properly understanding what knowledge of good and evil is. So the modern **exegete** comes to these two verses in Genesis so prejudiced by this chain of error that he/she cannot get past the mandate-obedience motif long enough to seriously examine the knowledge-of-good-and-evil motif.

It's important to suspend this chain of error before interpreting these two verses. Otherwise, one will not be able to move past a superficial interpretation. Sadly, the best Reformed **exegetes** have not gotten past this chain of error, even though they are dedicated to using the best hermeneutics available. It's crucial to understand that topical **exegesis** works well in regard to God-centered topics, because God is immutable. But topical **exegesis** is error-prone in regard to man-centered issues, because humans are extremely mutable. Because of this mutability, it's necessary to use chronological **exegesis** in regard to such mutability-infested topics. But such chronological **exegeses** need to be performed under the umbrella of solid, Reformed, God-centered theology, and this God-centered theology MUST contain a commitment to the existence of eternal law and natural law.

With this hermeneutical rant as a preface, and with it well understood that false premises are prone to yield fallacious conclusions, it's possible to enter into studying verses 2:16-17 without prejudice. As mentioned above, Geerhardus Vos proposed that the tree of knowledge of good and evil symbolized the principle of probation. It's important to note in passing that although Vos was an extremely important and reputable Reformed theologian, he was nevertheless suffering from this mandate-

obedience chain of error.[1] As already mentioned, it's reasonable to make a *prima facie* judgment that this tree symbolizes the principle of probation. But there are numerous problems in claiming a one-to-one correspondence between the principle of probation and its presumed symbol, the tree of knowledge of good and evil. One obvious problem is that because God is omniscient, He knew the people would not pass the probation before He created them. This begs the question: If God knew the people would fail the probation, then why call it "probation"? — Probation refers to a period of testing. Given that God knew the results of the test in advance, this test was not primarily for God's benefit. It was for the people's benefit. What benefits were they supposed to gain from this period of probation? If nothing else, the probation was an object lesson to the people.

Assuming a one-to-one correspondence between this principle (of probation) and this symbol (the tree of knowledge) also strays from the Reformed hermeneutic. The Reformed hermeneutic says that in general, the Didactic should control the historical narrative, rather than the other way around. If the people multiplied and took dominion, and did so without giving in to temptation to eat from the tree of knowledge of good and evil, then they would have done so through their obedience, *i.e.*, through "works of the law". But the Apostle Paul says, "we know that a person is not justified [(counted righteous)] by works of the law but through faith in Jesus Christ" (Galatians 2:16; **ESV**). Justification and obedience are certainly two different things, but nevertheless, if they remained obedient to the point of taking dominion, after they were created "very good", and therefore righteous and justified, then they would have had no need for Jesus Christ as an atonement for their sin, because they would have taken dominion without ever having any sin. This means that what Paul says in Galatians 2:16 is strictly for fallen people, and not for people who never fell. Given that the rule that Didactic controls historical narrative is a heuristic, a rule of thumb, rather than a hard and fast rule, it appears that the garden people can be taken as an exception to the rule, an exception that doesn't necessarily violate the Reformed hermeneutic. Even so, the analogy of faith demands that Scripture interpret itself. If one assumes that it was really possible for the garden people to take dominion over "all the earth" without ever falling, then where does Scripture confirm that possibility? God knew that they would fall, and all of Scripture screams that God knew it. To indulge in speculation about how the people could have taken dominion without ever going through the fall is to abandon Scripture for the sake of speculation. Surely the Reformed hermeneutic doesn't really support that kind

1 However, this chain of error in no way invalidates the existence of the covenant of works. In general, Vos' defense of the covenant of works and "federal theology" is biblically sound.

of grandiose speculation, speculation that's not supported by Scripture on the whole. So Paul and the Didactic assume what God knew in advance, that there was no chance that the people would pass the probation.[1]

Although there are numerous problems with assuming that the people could have attained dominion over the earth through obedience, one of the main problems is that the people would have never acquired the attribute of knowing good and evil. The people in the New Jerusalem have God's communicable attribute of knowing good and evil, evidenced by Genesis 3:22 and all subsequent Scripture. On the other hand, the hypothetical people who hypothetically would have taken dominion over the entire earth through obedience to God's mandate did not have God's communicable attribute of knowing good and evil. The difference between having this attribute and not having this attribute is huge. It's so huge that it appears practically no benefit to anyone to follow speculation about how the human race could have multiplied and taken dominion over the earth without ever giving in to the temptation to eat from the tree.

It's critical to notice that the people in the garden were called to take dominion over the entire earth, and at the same time they were called to live and work within a very small subset of the earth, the garden of Eden. The discrepancy between the territorial jurisdiction of the covenant of works, the garden, and the creation ordinance to take dominion over the entire planet, has huge implications for Adam's motivations and inclinations. So it's likely to be far more beneficial to speculate about why God set things up the way He did, than to speculate about what the human race would have been like if the first humans had not sinned. It's biblical fact, and not speculation, that the people in the New Jerusalem will have knowledge of good and evil, while the people in the garden of Eden lacked that knowledge, at least they lacked it in the fulness that the people in the New Jerusalem will have it. Exploring the ramifications of this biblical fact is much more likely to yield profitable results than settling on the *prima facie* probation. This tree certainly symbolizes the principle of probation, and it's certainly critical for people to do their utmost to obey God's mandates. But sometimes it's necessary to explore the parameters of God's mandates in order to obey them completely. So it's necessary to explore the possibility that the tree of knowledge of good and evil symbolizes much more than the principle of probation.

To explore the meaning of the tree of knowledge of good and evil, and of God's prohibition of eating therefrom, it's necessary to acknowledge from the beginning

1 But that doesn't imply that they didn't have "free will" and moral agency. That they did have "free will" and moral agency is proven below.

that it's a biblical fact that knowledge of good and evil is a communicable attribute of God. This is evident in Genesis 3:22, where God said, "'Behold, the man [(meaning Adam and Eve)] has become like one of us in knowing good and evil'". Why their acquisition of this attribute demanded that they be exiled from the garden is a crucial question to explore. What, more precisely, this knowledge of good and evil is, also demands explaining, especially if it's not merely probation. Because Genesis 3:22 says this, it must be a biblical fact that this is an attribute of God that humans have, and that humans take this attribute even into the New Jerusalem. This biblical fact entails that it's not inherently wrong for humans to pursue knowledge of good and evil. Under the mandate-obedience motif, the people's sin was in disobeying the mandate, and nothing more needs to be said. But given that the mandate-obedience motif lacks explanatory power, it's critical to know what it was about acquiring this knowledge of good and evil that resulted in immediate violation of natural law. This assumes that sinlessness is complete conformity to natural law, and that sin enters in with lack of conformity.

Even a little thought about what this knowledge of good and evil is should make it obvious that this pertains to morality. Morality is all about choice making, making good choices rather than evil choices. So this knowledge of good and evil pertains to the moral-law leg of the natural-law tripod. But it also goes beyond choice making. This is evident in the Hebrew word translated to "evil".[1] Because of the nature of this Hebrew word, some Hebrew scholars think that this phrase is more accurately translated to "knowledge of good and bad". This is because, "The Hebrew word translated to 'bad' has a much broader meaning than moral evil. Pain is bad, and so are sickness, ugliness, and disorder".[2] So "acts of God" like volcanos, earthquakes, tsunamis, hurricanes, *etc*., are bad, particularly when people suffer from them. But because they are acts of God, it's not appropriate to call them "evil". They are conditions within the exogenous leg of the natural-law tripod to which humans, in their fallen condition, are vulnerable. But this vulnerability is a result of the fall, and the fall happened as a result of human choices. So the core significance of this knowledge of good and evil resides in the moral-law leg of the natural-law tripod.

As is evident in the relationship between Genesis 3:22a and Romans 6:23a, mentioned above, God did not banish the people from the garden because they had acquired the communicable attribute, knowledge of good and evil. They were banished because, in the process of acquiring this communicable attribute, they became sinful. As mentioned above, the words translated into English "sin" from

1 Strong's #7451b, transliterated *ra*.

2 Kass, Leon R.; **The Beginning of Wisdom: Reading Genesis**, 2003, Free Press (Simon & Schuster), New York, p. 63.

the Bible's source languages, generally have roots that mean, "to miss the mark".[1] This implies that humans are aimed at something, but that they miss whatever it is they're aiming at. This implies that in order to understand how sin entered into the human beings, it's first necessary to understand what humans are aiming at. As mentioned above, humans were created to aim at complete conformity to natural law.[2] Complete conformity to natural law entails making choices. Making choices entails a specific range of choices that is presented by the milieu in which the people are living. Making choices entails a relationship between a range of choices presented to the human being by the exogenous milieu, on one hand, and an endogenous set of inclinations, predilections, and motivations within the human being, on the other hand. These are clearly relationships between the three legs of the natural law. So it's necessary to understand that the exogenous leg, the people's milieu, their habitat, under this covenant, was the garden, even while they were given a creation ordinance to take dominion over all the earth. In a metaphorical way, the people in the garden were told that their natural range of choices encompassed the entire natural law, while the range of choices they were given in the garden was much smaller. These biblical facts are critical because they are the key to understanding what's going on in this covenant of works, and in the covenant of grace, from a jurisprudential perspective.

In the first two chapters of Genesis, God clearly placed the humans in a specific habitat. A crucial aspect of giving the humans a specific habitat was the assignment of a specific set of foods. In Genesis 1:30 God gave the humans "every green plant for food". The humans were assigned the task of cultivating and keeping the garden whence the human's food would come. They were given the task of cultivating what to them would be food, and in the process segregating plants desirable as food from plants less desirable as food. This is by definition part of cultivating and keeping a garden. Like all activity, such gardening required that these humans make choices about what to do and what not to do. Making choices naturally means prioritizing an array of options, meaning organizing such options into a continuum from best to worst. It stands to reason that any healthy organism that had the known potential for eternal life would be inclined naturally to choose only the best, where the best is defined in terms of sustaining eternal life and perpetuating the organism. In other words, the best means complete conformity to natural law. Because these humans

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1 In Hebrew, Strong's #s 2398, 2399, 2401, 2403. In Greek, Strong's #s 264, 266.

2 Westminster Shorter Catechism, Question 14: "What is sin?" Answer: "Sin is any want of conformity unto, or transgression of, the law of God." (proof texts: Leviticus 5:17; James 4:17; 1John 3:4) — URL: http://www.reformed.org/documents/wsc/index.html, retrieved 24 March 2016.

were given eternal life, evidenced by the fact that they had unrestricted access to the "tree of life", at every moment, these humans were making choices and acting on those choices, and every choice was naturally intended to sustain their status as being perpetually in beatific relationship with God, and in complete conformity to God's natural law. This means that the intention of every choice was a crucial aspect of their life's aim within their designated habitat. Eating of it is disobedience to the still, small voice within, the point at which God speaks to the heart, *i.e.*, to the conscience.

Genesis 3:22 indicates that whatever was to be gained by eating from the tree of knowledge of good and evil, they had in fact gained when they ate from it. It indicates that they had "become like one of Us, knowing good and evil" (**NASB**). Clearly, eating any at all from that tree was enough to utterly change their status, to give them God's communicable attribute of knowing good and evil, and to create the need for them to be in an utterly different habitat. In this new habitat, they had an expanded range of choices and an expanded need for knowledge of good and evil. But in this new habitat, they did not have sufficient knowledge of natural law to maintain complete conformity thereto. As a result of this lack of conformity, they lacked access to life in its fulness.

Superficially, one might conclude that in the garden habitat, they had access to life, but were prohibited from knowledge of good and evil; but in the out-of-the-garden habitat, they lacked access to life while having unrestrained access to knowledge of good and evil. This flip-flop with respect to access to the trees – as emblematic evidence of the change in habitats – appears to carry substantial *prima facie* weight. But the evidence also appears to show that it's not quite that simple. The big mystery surrounding the tree of knowledge of good and evil can be reframed as a question: How and why did sin come in where previously there had been none? Simply claiming disobedience lacks explanatory power, and it's already clear that the tree of knowledge of good and evil is not evil in itself. The fact that this apparent mystery revolves around a metaphorical tree of knowledge of good and evil points to the concept that undergirds the metaphor. — A reasonable answer to the question, even if it's also an unusual answer, is that human beings were originally designed to have both eternal life and uninhibited knowledge of good and evil. They were designed both to be sinless, and to occupy a habitat in which they could maintain that sinless status under all circumstances. But there was a caveat built into the original design. The caveat was that they were not given the psychological processing equipment necessary to process all inputs so that ***they would always know what they needed to know when they needed to know it; choose what they needed to choose when they needed to choose it; and do what they needed to do when they***

needed to do it; where need is defined as the avoidance of missing the natural-law mark. They were designed to live in complete conformity to natural law, and to live in a habitat in which their range of choices would encompass the entire natural law. In classical theological terms, they were put on probation. In terms comporting with this **exegesis**, they were created for a habitat where they would have the ability to avoid sin by having the ability to make choices that never miss the mark, so that they would never choose things that would enhance their sinfulness. To use another analogy, although they were created with all the hardware for living eternal, sinless lives, they were not created with all the necessary software. They had the necessary software for making sinless choices within the garden. But they did not have the necessary software for making sinless choices in the out-of-the-garden habitat, in "all the earth" outside the garden. In the out-of-the-garden habitat, they would need software that would enable them to process any and all kinds of input that might confront them in the out-of-the-garden habitat. They needed software so that no matter what kind of input they needed to process, the endogenous processing would produce choices that never miss the mark. Because they lacked the software, God placed them in a probationary habitat that would minimize the challenging inputs. They had a much smaller range of choices in the garden than they did in "all the earth". They could remain sinless in the garden because of its smaller range of choices. But they could not maintain themselves as sinless in "all the earth", because they lacked the software for doing so. Any exposure to the larger range of choices in "all the earth" was enough to disrupt their conformity to natural law. As a matter of fact, even the thought of having that larger range of choices was enough to initiate their slide into lives of missing the mark.

By ignoring God's warning about eating the fruit of the tree of knowledge of good and evil, the people were in effect telling God that their range of choices was too small. They were in effect claiming that the garden habitat was too confining. Yes, they loved being in beatific relationship with God; they loved being in utter conformity to the natural law; and they loved being in paradise the way Paul loved it. But they nevertheless in effect attempted to exchange the range of choices available in the garden habitat for a much broader range of choices. Because of their natural inclination to have range of choices that encompassed the entire natural law, they listened to the serpent's lies with naïve hope, and they thought that this exchange would be easy. But a huge problem with this alternative habitat was that they would be unable to maintain their status as sinless people in that alternative habitat. By opting for this alternative habitat, they were entering into a habitat in which they would fail to choose the best, and they would fail to conform to the natural law. They were designed to occupy a habitat in which their range of choices covered the entire purview of the natural law. They were inclined by the nature given them by

God to desire to operate within a habitat in which their range of choices covered the full spectrum of the natural law. God put them into the garden habitat at creation, in order to protect them from the consequences of their own lack of information processing software. God created them to be miniature sovereigns. As such, they would need to take dominion over their own minds. They would need to take complete responsibility for their own actions. God would remain forever blameless and utterly sovereign. At the time of their fall, the fact that the man blamed the woman, and the woman blamed the serpent, is evidence that they were in no frame of mind to take complete responsibility as miniature sovereigns. They admitted no guilt. They passed the buck. They thereby proved that they were not qualified to be fully formed miniature sovereigns under the auspices of this larger range of choices, even though they were designed to be such, and even though they chose the broader range of choices that go with the miniature sovereign's natural habitat. As fully-functioning miniature sovereigns, they would certainly take full responsibility for their actions. By passing the buck, they proved that they were not fully functioning. But that doesn't mean that there was anything wrong with the way they were designed and created. They had the *imago Dei* before the fall, and they had it afterward. But they would need to take dominion over their own minds, meaning that they would need to learn how to avoid being deceived by appearances, and each would need to take full responsibility for all of his/her thoughts, choices, actions, *etc*.

God did not hardwire human cognition, but left it open for humans to develop. There is an element of dominion that humans must exercise in order to satisfy the requirements of their habitat, which after the fall is "all the earth", symbolically representing all the natural law. People must take dominion over their own minds. They must develop their own cognitive software.[1] This means that people must choose to develop their own software. It means that people must choose to develop the ability to process inputs so that choices that come out of that processing never miss the mark. People need to choose to take dominion over their own minds. People were created with an inborn inclination to choose to eat the fruit of the tree of knowledge of good and evil, because that tree represents their natural habitat. They were created with a natural inclination to have the range of choices befitting the New Jerusalem, a range larger than the range of choices available in the garden. But they were also warned, in effect, that if they chose to eat the fruit of the tree of knowledge of good and evil, their legal status would immediately change. The garden was God's act of mercy towards humanity, a nursery where the people could prepare themselves for the ugly future by creating fond memories of their once

1 In biblical terms, this is known as renewing the mind in Christ (Romans 12:2; Ephesians 4:20-24).

unencumbered "beatific vision" of God. Like Paul's experience of paradise, this couple, as the temporal head of humanity, experienced paradise. Unlike all other known corporeal creatures, humanity has the potential for eternal life, a potential for living in eternal friendship with God. But fulfilling that potential requires never missing the mark. To avoid missing the natural-law mark, it's necessary to have the mental equipment necessary to avoid missing the mark. The miniature sovereigns in the garden were certainly given the mental equipment necessary to avoid missing the mark within the confines of the garden, but they were not endowed with all the software necessary in the broader habitat; even though they were certainly given all the hardware.

The tree of knowledge of good and evil was certainly a symbol of probation. The first clause in Genesis 2:17 clearly looks like a prohibition:

> from the tree of knowledge of good and evil you shall not eat

But the second clause in Genesis 2:17 makes it clear that the prohibition is more a warning than a prohibition:

> for in the day that you eat from it you shall surely die

On its face, the combination of these two clauses appears to be a conditional threat. The verse appears to have the form of all negative laws: "Don't do thus-and-such, because if you do, then this bad thing will happen to you." But looking past the surface reveals something more like a kind and emphatic warning than a ruthless, authoritarian edict. So there's a significant difference between a face-value reading and a rationally contextual reading. — The face-value reading of this verse leads to the conclusion that God created human beings with a desire to eat from the tree of knowledge of good and evil, then prohibited them from eating from that tree. The face-value reading thereby paints God as creating humanity with an unsolvable dilemma, a "catch-22". The face-value reading thereby leads to the conclusion that God is a trickster who loves torturing small animals. It leads to the conclusion that God is some kind of mad scientist in a white lab coat, who loves tormenting rats in mazes. And of course this leads to the conclusion that humans are little more than rats that exist so that the powers that be, most prominent among whom is God, can play with them as the PTB see fit.

If the face-value interpretation of this verse is taken as a foundational premise of a rational system, then it leads to the misinterpretation of the entire Bible. It also leads to a gross misunderstanding of the God who orchestrated the Bible's writing and compilation. Part of the misinterpretation revolves around the phrase, "in the day". By insisting on a face-value reading, one comes to the conclusion that God threatened that he would kill the people on the same day that they ate. But they didn't die on the same day that they ate, which re-enforces the misidentification of

God as an arbitrary and capricious trickster. Vos rightly says, "Some knowledge of the Hebrew idiom is sufficient to show that the phrase in question simply means 'as surely as thou eatest thereof'."[1] So this verse does not contain a threat of immediate death. In fact, it doesn't contain a threat at all. Instead, it is a statement of fact, intended as a kind, prophetic warning. And of course it's presented as a mandate because anything that comes directly from God is pure authority. So this mandate is a warning, that by opening that door, each eater's ability to avoid missing the natural-law mark would immediately become disabled, and that this vulnerability would lead to certain death.

In addition to problems with misinterpreting the meaning of "in the day", there are several other words and phrases in verse 17 that must be properly defined if the verse is to be properly understood: (i)What does the verse mean by "die"? (ii)What does it mean to "eat from it"? (iii)What, more specifically, is "knowledge of good and evil"? (iv)What, more specifically, is the "tree of knowledge of good and evil"? — These are all correctly understood to be symbolic. Understanding what the "tree of knowledge of good and evil" symbolizes is the core problem in interpreting this verse. Understanding the other items is a necessary prerequisite to resolving the core problem.

(i)The question, "What does 'die' mean in this verse?", is answered by saying that it means the certain onset of disintegration. But this answer leads to the question of whether death is death merely of the body, or death of the soul as well. This issue, whether the Bible posits the death of the soul, also known as "annihilationism", is addressed in more detail in the **Theodicy**.[2] For now, the focus remains on human law, and on natural law only so much as it necessarily interfaces with human law. The answer is that "die" in this context means the onset of certain disintegration.

(ii)The question, "What does it mean to 'eat from it'?", obviously revolves around what it means to eat. There's no great controversy about the Hebrew word for "eat" in this verse. But this verse is highly symbolic and metaphorical. So what does this common verb symbolize? — Within a larger context, eating must simply refer to input, any kind of input, from food to drink to air to electromagnetism of any kind. So eating in this verse symbolizes input of any kind. — If one cannot digest what one eats, then the eaten thing will be regurgitated, will pass without harm, or it will act as some kind of poison. Generally, things eaten that are not properly digested are harmful. This rule of thumb is as true of **psychic** input as it is of **physical**

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1 Vos, p. 38.

2 See Porter, **Theodicy**, Part III, Chapter B, Sub-Chapter 2, " Annihilationism & Hell". — URL: http://BasicJurisdictionalPrinciples.net.

input. It's as true of sensory input, information, and various kinds of data, as it is of food. Generally, if things are not properly processed, then they become **psychic** poison. For example, people who suffer from "post traumatic stress disorder" (PTSD) manifest this failure to adequately process. People who suffer PTSD are suffering from improperly or inadequately processed input, the same way that someone who drank poison would suffer from improperly processed input. In either case, if the input were effectively processed endogenously, then it must be true that the eater must have the endogenous equipment necessary to take from the input whatever is good, and discard whatever is not, so that the input does not result in disintegration in either the mental or physical sphere.[1] In short, "eat" in this verse refers to the process of opening a portal for the processing of input. In the case of all the other trees in the garden, the people were able to process the input so that they did not suffer disintegration. But in the case of this one tree, they did suffer disintegration. With the one exception, the people in the garden were well able to process the inputs they received in the garden habitat. God warned them that they would not be able to process the fruit of the tree of knowledge of good and evil, thereby indicating that they did not have the endogenous equipment necessary for processing that input. But they were created for that kind of input, and that's why they wanted to eat it. But they needed to learn to process that kind of input, which required acquisition of an ability they then lacked.

(iii)Regarding the question, "What is 'knowledge of good and evil'?": Before eating from this tree, Adam and Eve were not prone to disintegration, and they were enjoying the "beatific vision". They were called to miniature sovereignty and were thoroughly enjoying the fruits of that calling. But God had called them to a much larger definition of miniature sovereignty, a definition that required them to have knowledge about things that were outside the garden habitat. They were called to a kind of "knowledge of good and evil" that is equivalent to "maturity in the ethical sphere", using Vos' phrase.[2] In 2 Samuel 14:17-20, knowledge of good and evil is spoken of as a good thing. Likewise, common sense says that knowledge of good and evil is critical to the process of making good decisions. So it makes sense that Vos would equate the possession of knowledge of good and evil with "maturity in the

1 If the input is processed properly, then the proper processing is evidence that the eater knows what he/she needs to know when he/she needs to know it, and does what he/she needs to do when he/she needs to do it, so that the eater doesn't suffer from disintegration, and so that need is defined in terms of the avoidance of disintegration. But of course, complete avoidance of disintegration is not presently available to anyone in the habitat between the garden and the New Jerusalem.

2 Vos, p. 30.

ethical sphere". Of course this begs the question, if knowledge of good and evil is a good thing, then why did God forbid the people from eating this particular kind of fruit, and simultaneously provide free access to it? Or if Genesis 2:17 is understood to be a warning, as indicated above, then why did God put this dangerous thing in the midst of the garden, warn them about the dangerous thing, and give them a desire to do the dangerous thing, all at the same time? This is especially puzzling if the dangerous thing happens to be a good thing.

Adam and Eve were not mature in the ethical sphere because the miniature sovereignty for which they were created required "knowledge of good and evil" appropriate for the New-Jerusalem habitat, not merely for the garden habitat. As miniature sovereigns, they needed to choose to open that "knowledge of good and evil" door, and to take full responsibility for doing so. So this portal was not merely a "probation-tree". It was "the tree of choice of good and evil".[1] It was a choice between maturity and immaturity. God made it extremely clear that the opening of this door would result in pain. Opening this portal would entail the exploration of new territory, and the price of that exploration would be the disintegration of their bodies and perhaps the damnation of their souls, with extensive pain along the way.

"Evil", used to describe one end of a continuum between good and bad, is easy enough to understand. It is the worst end of a continuum of choices. "[M]aturity in the ethical sphere" refers to this continuum. It refers to the ability to make choices that always affirm the good and eschew the evil.[2] The concept of evil as one end of a continuum is a necessary aspect of choice-making in everyday life, and it's fairly easy to understand. — It's important to note that Augustine and Thomas Aquinas defined evil as a negation, as something that does not have ontological being. They defined it as something that negates something else, where this other thing DOES have ontological being. This does not negate this description of evil as being one end of a continuum, good being at the opposite end. In fact, anything that is not pure good is an at least partial negation of that good, a partial negation of something that has ontological being by something that does not have ontological being. So as long as one is talking about a continuum of choices, one is talking about morality, even if evil is defined as something that does not have ontological being. On the other hand, under the present fallen conditions, all of reality perceivable by humans is subject

1 "[I]n Hebrew 'to know' can signify 'to choose'. The name would then really mean 'the tree of choice of good and evil'." — Vos, pp. 30-31.

2 It may at first appear that the ability to choose based on such "maturity" is always a good thing. However, this assumption is inherently hazardous because as long as humans exist in the out-of-the-garden habitat, genuine "maturity in the ethical sphere" is out of reach as surely as the sinless life is out of reach.

to pervasive evil. This pervasive kind of evil is not on a continuum. Avoiding this latter kind of evil ceased to be possible under the conditions of the fall. It was easy to avoid for the people in the garden before the fall, because they were not subject to pervasive evil.

"Evil" as a pervasive feature of the human condition is characteristic of the habitat between the garden and the New Jerusalem. This pervasive kind of evil permeates human existence in this habitat, and its most prominent symptom is suffering. This kind of evil, and the suffering that accompanies it, exists because of a lack of "maturity in the ethical sphere".[1] — One thing that humans have in common with animals is that both animals and humans suffer, and both animals and humans die at the acme of such suffering. In both cases, suffering and death are the expressions of disintegration. One could say that this disintegration epitomizes this pervasive kind of evil. But this claim does not properly mark the differences between humans and animals. Being created in the image of God, humans have a dormant capacity to avoid death and suffering, which animals do not have.

If the people in the garden had fully grasped the stakes, they would naturally never have chosen to eat off that particular tree. But that knowledge about the stakes was part of the tree's fruit. Knowledge about the stakes was available to them only through the tree or by taking God's description of the stakes as sufficient. One can blame God for setting things up this way. Or one can accept that God set it up this way for a good reason, specifically, because this broader range of choices is a necessary feature of full maturity in the ethical sphere, and full maturity as miniature sovereigns; and choosing this broader range of choices was a necessary prerequisite to acquiring genuine dominion as miniature sovereigns.

Animals were not created with the capacity to avoid disintegration. The suffering and death that they suffer is therefore natural. There is no reason to believe that they have souls that last beyond the deaths of their physical bodies. Reason demands that annihilation and recycling is their final destination, and that they have no sin in any aspect of their life cycle because they do what they were created to do. But this is not true of humans because humans have the capacity to live forever, *i.e.*,

1 Although "maturity in the ethical sphere" may be an appropriate expression in many respects, words like "ethics" and "morals" have become tainted over the last couple of centuries by the tendency to define them in terms of actions taken in response to stimuli, *a la* stimulus-response conditioning. To sidestep this kind of language pollution, this booklet insists that this kind of "maturity" can only exist when there is rational consistency and harmony between exogenous stimuli, endogenous processing (which is largely cognitive), and the moral and legal standards established within the biblical covenants and their respective jurisdictions.

to live in perfect, perpetual conformity to natural law. So human suffering is not equivalent to animal suffering, and human death is not equivalent to animal death and annihilation. Likewise, the suffering and death of animals is not evil, because suffering and death are inevitable aspects of the animal's existence. On the other hand, suffering and death are symptoms of pervasive evil that mark the human condition in the out-of-the-garden habitat, because humans have the capacity for eternal life without suffering and death, even though they lack the software necessary to realize that capacity. When the human race in general acquires this software, it will be graduating from the out-of-the-garden habitat into the New-Jerusalem habitat. (When that capacity is fulfilled, is more a function of Christ's second coming than it is of anything that humans do. The former controls the latter.) Humans were created to have the cognitive skills necessary to make choices that NEVER put them at odds with natural law. Animals have not been created with that capacity.

In conclusion, knowledge of good and evil is the capacity, or at least the potential capacity, to ***know what one needs to know when one needs to know it, so that one does what one needs to do when one needs to do it, so that one never misses the natural-law mark***. This is what knowledge of good and evil is, for human beings, all of whom have the natural disability of being localized in space and time. As indicated above, such knowledge is also a communicable attribute of God. But God's knowledge is not the same as human knowledge, because, among other things, God's knowledge encompasses the entire eternal law, while humans are limited to the natural law. So all of God's knowledge of good and evil is not communicable, but some of it is.

(iv)Regarding the question, "What is the 'tree of knowledge of good and evil'?": In the history of redemption, there are times when God has allowed the existence of portals that lead humans to destruction. God always warned people about the dangers relating to such portals. He also made provision for humanity's neglect of his warning. Essentially he said, "I warn you not to go through that door. That door leads to your destruction. But here, here are the keys if you insist on opening that door and going through it." The tree of knowledge of good and evil is just such a door.

To remain in communion with God, humans must ***know what they need to know when they need to know it, so that they can do what they need to do when they need to do it, where need is defined in terms of never missing the natural-law mark***. The endogenous software necessary to processing all kinds of inputs is crucial to never missing the natural-law mark. Genesis 2:17's prohibition along with the whole milieu's probation were a state of alert and warning provided by God

to the people, that if they did not comprehend the distinction between necessary knowledge and unnecessary knowledge, they would be vulnerable to delusion. Ultimately their knowledge would fail whenever they did not properly discern the boundary between the miniature sovereign's lawful jurisdiction and God's lawful jurisdiction.

Carrying the symbolism of the garden habitat forward into describing the New Jerusalem habitat, as the book of Revelation clearly does, the tree of life will be in the New Jerusalem. Revelation clearly indicates that the tree of life will be there (Revelation 22:2,14). The fact that God, in Genesis 3:22, indicates that the garden people had "become like one of Us, knowing good and evil" (**NASB**), implies that from then forward, humanity would be like God to the extent that they would also have the attribute of knowing good and evil. God operates in complete conformity to His holy and eternal law. But from the fall until entry into the New Jerusalem, humans would NOT be like God in such conformity. They would not always choose the good. If they always chose the good, then they would have retained access to the tree of life, because the good is defined as obedience to the natural law, which is life-sustaining, while disobedience to the natural law is the essence of sin, and is the source of death. That the people in the New Jerusalem will retain that attribute symbolizes that their range of choices in the New Jerusalem is the entire range of the natural law.

The people in the garden were created with a propensity to misperception regarding anything outside the garden habitat. Even though they perceived everything within the garden with complete conformity to natural law, with the sole exception of the tree of knowledge of good and evil, they were vulnerable to misperceive anything outside the garden habitat. Misperception, by definition, is a disjunction between appearances and reality, a flaw in endogenous recognition of exogenous phenomena. If angels are set as guardians over every aspect of creation, then it's only reasonable to assume that there would be an angel, along with a contingent of followers, that would be set as guardians over such appearances. But this is a reasonable assumption only if there is a discrepancy, or a propensity for discrepancy, between appearances and reality. If there is little or no chance of appearances conflicting with actualities, then there is no need to distinguish the angel of appearances from the angel of actuality.

Summarizing, this ordinance, the creation covenant's commandment to avoid eating from the tree of knowledge of good and evil, is an obvious moral sanction, a natural law within the moral-law leg of the natural-law tripod. This moral law says, do not venture beyond the jurisdiction assigned to you by God, because if you do, you will lack authority there. When you claim authority that you lack,

you will be operating in presumption, and things will not go well for you. When you operate outside your allotted jurisdiction as a miniature sovereign, you will lack the mental equipment necessary to process all the eternal laws at work in that extra-jurisdictional arena. To knowingly choose a venture outside your ordained jurisdiction as a miniature sovereign is the essence of idolatry. Idolatry is the essence of sin, which is the same as missing the eternal law mark. The moral law applies generally to the entire human race for all time. But it applied to the people in the garden in a unique way, as is evident through **exegesis** of the Adamic covenant. — This is a law that God imposes and enforces. But under the immediate jurisdiction of this covenant, there is no prescription of human law associated with this moral law.

Sub-Chapter 12: Regarding Verse 2:15b: Labor and Stewardship

In Genesis 2:15, God "took the man and put him into the garden of Eden to work it and keep it". God set aside a parcel of earth and "planted a garden" there (v. 2:8), then He put the man into that garden so that the man would "work it and keep it". This is clearly the origin of "the necessity and propriety of godly labor", and it's clearly the origin of the injunction to perform such labor. Such a positive injunction to godly labor within the context of the covenant of works obviously provokes a question. What is the relationship between such godly labor and "works of the law" by which "no one will be justified" (Galatians 2:16)?

First, it's important to note that the labor to which Adam and Eve were called when God put them into the garden was not works aimed at their salvation. They didn't need salvation because they were already in beatific relationship with God. But they did need to curb any and every inclination they might have had towards violating the ban on the tree of knowledge. So the "works of the law" that would have allowed them to remain in beatific relationship with God was constant vigilance in curbing their inclination to partake of that particular tree. This "works of the law" was not the same as their godly labor in the garden.

This distinction between godly labor and "works of the law" is critical, because it is a distinction that persists to the present day. Like Paul said, no one is justified by works of the law, with the sole exception of Jesus Christ, and with the sole exception of His works of the law. But everyone is called to godly labor, where godly labor offers no pretense to justify anyone, with the sole exception of Jesus Christ. In the garden, the people's obedience could have presumably earned them eternal life. But

they could maintain their obedience only by suppressing an inclination with which they were created, and which God deemed "very good". Even though the first Adam was living in paradise, and certainly wanted to continue living in paradise forever, he also had an inclination to operate within a range of choices that spanned the entire natural law. He had this inclination because God created him with this inclination. This doesn't mean that God created him sinful. In fact, the passage implies that God created the humans "very good", and therefore sinless.

By emphasizing these facts, the author of this booklet hopes to avoid calling into doubt the Reformed doctrines regarding the covenant of works, the difference between the first Adam and the second Adam, the covenant of grace, and other doctrines that have been attacked by vandals in high places over the centuries since the Reformation. The fact that this author is interpreting the first two chapters of Genesis in a way that shows its inherent relationship with natural law should not be seen as an assault on the principle of probation and the covenant of works in general. By showing how the covenant of works relates to the natural law, as defined herein, this interpretation should establish the covenant of works / first Adam-second Adam / covenant of grace schema on more solid grounds, and should do precisely the opposite of undermining it. Christ fulfilled the covenant probation while the first Adam failed to do so. (That the first Adam was a type of the second Adam is seen in verses like Romans 5:14.) By the second Adam's atoning sacrifice, He secured the forgiveness of sins for all of His elect, without which all are doomed. But His sacrifice does more than merely reinstate the elect in the garden probation. Christ, through His works of the law, earned for His people righteousness and sinlessness. Through the imputation of these things to His people, His people are able to live in paradise without the threat of falling and failure, without any more probation, and without any inclination to abandon that paradise. Christ won the probationary battle against Satan, and His meritorious work is reckoned to the account of each of His people. This is true of all of His people since the Abrahamic covenant, including His elect under Mosaic law, and it even includes His elect who lived prior to the Abrahamic covenant. The eternal salvation of the elect is by God's grace alone, solely on the basis of Christ's merit.

In principle, the first Adam could have merited eternal life through the works principle, but as long as he had a subliminal inclination to eat off the tree of knowledge, he was under probation. Reformed theology therefore appropriately calls the creation covenant / Edenic covenant the "covenant of works". — It's right to understand grace as something that is only meaningful within the context of law. When justice under law condemns people, grace is something that the sovereign can extend to the condemned when the kinsman redeemer steps into the court of

justice to convince the sovereign to extend grace through a process of redemption. The process of redemption is necessarily "works of the law". Grace has no meaning outside this kind of legal context. So Jesus' works of the law earned for His people God's grace. The probation was ended when the first Adam and his wife ate from the tree of knowledge, and God thereby gave Adam and Eve and all of their descendants His communicable attribute of knowing good and evil (3:22). But having this attribute, by itself, does not ensure that the people will make good choices.

Under the covenant of works, the first Adam needed to avoid violating a negative law. He needed to avoid giving in to his natural inclination to eat from the knowledge tree. This would have been the work of the law that would have preserved his life in paradise, if he could have sustained his "No". On the other hand, under the works principle, the second Adam needed to avoid allowing His love for His beloved Bride to dominate His love for the truth of God, for God's law, for God's justice, for God Himself. The second Adam also, under the works principle, needed to actively perform these deeds and acts demanded of the Messiah. Christ's works of the law were therefore much more difficult and complex than those mandated expressly to the first Adam.[1]

The call to labor in the garden is clearly a creation ordinance establishing a moral law, a positive moral injunction to perform godly labor. But as usual, this natural law within the moral-law leg of the natural-law tripod does not convert readily into God-prescribed human law. Humans are fallible. If God wants fallible humans to enforce His infallible law upon other humans, then it's reasonable to assume that He would specifically say so; and He does, but not under this covenant. He does NOT mandate human law within the immediate jurisdiction of this covenant. Under this creation ordinance, humans are called to honest work and good stewardship, but not to police action.

Sub-Chapter 13:
Summarizing the Creation Covenant

The Edenic covenant defines the most fundamental nature of human existence. It defines the fundamental legal status of every human being. It defines the fundamental moral laws that God imposes on all human beings, and it also defines

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1 For a worthy defense of the covenant of works and covenant theology against people who reject covenant theology while claiming to be Reformed, see Meredith G. Kline, "Covenant Theology under Attack", **New Horizons in the Orthodox Presbyterian Church**, February, 1994. — URL: http://www.opc.org/new_horizons/Kline_cov_theo.html, retrieved 31 March 2016.

the natural rights, privileges, and disabilities that accrue to all of humanity and to every human being. The proper understanding of this covenant has ramifications for the proper understanding of the entire Bible.

Although this chronological **exegesis** is aimed at discovering God's prescription of secular human law, it's critical in the process to keep human law within the larger context of God's law. Because God's law is everywhere, it's imperative to avoid limiting the definition of God's law so that it is the same as the divine law, the Bible. God's law is certainly revealed through special revelation contained in the Bible, but it also exists consistently everywhere else. Thus, the Edenic covenant is a manifestation of special revelation that is also general revelation.[1] This is true of each of the Bible's early covenants. Wherever moral law exists in these early covenants, it is global, meaning that it applies to the entire human race; although it's also subject to modification through **progressive revelation**. Although this covenant certainly defines global moral law, it does not define global human law of any kind.

As explained above, the Edenic covenant follows the pattern of all contracts: offer, acceptance, consideration. The offer feedback loop is extremely terse, like the offer feedback loop in a simple sales contract. This is because God imposes the covenant on the people as He creates them, making their participation in the covenant an attribute of their existence; and the people agree to participate in the covenant through their pre-cognitive consent. So acceptance by both God and the people is built into the covenant / contract without any need for explicit negotiation. — The consideration is the value offered by each to the other. The consideration that God offers to the people is perpetual life in beatific relationship with Him. The consideration that the people give to God is basically the same thing that all of creation gives to God. All of creation reflects His glory back to Him. The difference is that the humans, because they are created in God's image, are capable of reflecting God's glory eternally, and with much greater fulness.

Practically all the terms of the covenant / contract are encompassed by the concept of consideration. Because contracts are often complex, as this covenant certainly is, consideration becomes a concept too nebulous to be useful in the details. Encompassed by this concept of consideration are definition of the parties and definition of the give and take between the parties that is encompassed by the covenant. These terms also define the covenant's duration, which is eternal. Many contracts also have signs that confirm the existence of the contract. For example, in a simple sales contract, one party might give the other a receipt to signify that the

1 In contrast to this, most of the divine law consists of special revelation that is not so obviously general revelation.

contract was consummated. In other kinds of contracts, the parties sign their names as signs of their participation. There are no obvious signs in the Edenic covenant, although there are certainly signs in at least one other global covenant.

Regarding this covenant's give and take between the parties, there should be ample evidence above to show that the Edenic covenant contains the following terms: (i)Humans are created in the image of God, and they are morally obligated to treat themselves and each other as such. (ii)Humans are created male and female, and they are morally obligated to behave as such. (iii)Humans have been created to take dominion over the whole earth, and they are therefore morally obligated to pursue such dominion. (iv)Humans are called by God to be fruitful and multiply, and they are therefore morally obligated to endeavor to do so. (v)Humans have been given a specific kind of diet, and they are therefore morally obligated to stick to the diet that God gives them. (vi)Humans were originally created sinless, and they are morally obligated to seek to avoid missing the natural law mark. (vii)God sanctified every seventh day, and humans are morally obligated to observe seventh-day Sabbath. (viii)God made humans from dust, and humans are morally obligated to remember that, and to stay humble before God, before other humans, and before all of creation. (ix)The territorial jurisdiction of the creation covenant was the garden of Eden, and the humans were morally obligated to avoid violating that territorial jurisdiction. (x) God made humans capable of sinless, eternal life, and humans are morally obligated to seek such life, and to avoid doing things that lead to death. (xi)God made humans to be miniature sovereigns, and to not venture beyond the jurisdictional boundaries of such miniature sovereignty. (xii)God created humans to engage in godly labor, and humans are therefore morally obligated to occupy themselves with godly labor. — These moral obligations constitute the subject-matter jurisdiction of the covenant. But moral obligations are not the same as obligations under human law.

The parties to the Edenic covenant were God and the two humans. The garden of Eden is acknowledgement that man has an innate need to be in covenant with God. The creation of woman is acknowledgement that man has an innate need to be in covenant with other people. This need for human bonding includes the need for agreements, which, for fallible humans, entails the need for contracts, the marriage covenant being just such a contract. The fact that God called the people to multiply indicates that this covenant was originally designed to include the people's offspring as covenant partners. It's reasonable to conclude that new human parties enter the covenant the same way the original humans did, by pre-cognitive consent. The parties are the *in personam* jurisdiction of the covenant, and the *in personam* jurisdiction is global.

The territorial jurisdiction of this covenant is the garden of Eden. But because of the creation ordinance to take dominion over "all the earth", there is a big question here: What is the relationship between the Edenic covenant's explicit territorial jurisdiction and the creation ordinance to take dominion over "all the earth"? This discrepancy will be explored during **exegesis** of the Adamic covenant.

It's certainly true that the Edenic covenant's sole negative ordinance is accompanied by a penalty. It's a penalty to be exacted by God against those who violate the ordinance. It is not to be exacted by human against human. So it's worth re-emphasizing that there is no prescription of global human law in this covenant. Where the Bible does not call for a penalty to be exacted by human against human, caution demands that there be no prescription of global human law. There is clearly no such penalty in this passage. That means that regardless of whether "governing authorities" come out of the state or out of some other polity, the biblically prescribed polity does not include these as global human law, at least not by way of this covenant. These ordinances are aspects of God's **preceptive will** in which He declares these to be good precepts for people to live by. It's at least implicit in God's **preceptive will** that whenever humans refuse or neglect to operate according to His **preceptive will**, there are penalties exacted by God under the moral-law leg of the natural law. Included within these ordinances is emphatically NOT a mandate that humans enforce these ordinances upon one another.

With the stipulation that through **progressive revelation**, subsequent biblical covenants can modify the terms of previous biblical covenants, and with the qualifications already stated, the main thrust of these creation ordinances must apply to all humans as part of God's **preceptive will**, simply because these creation ordinances are aspects of the moral-law leg of the natural law. As aspects of the moral law, there must necessarily be some basic thrust behind each of these ordinances that applies to all humans, and sets a moral standard for all humans. But because human comprehension is not perfected until the resurrection and final judgment described at the end of Revelation, it's reasonable to assume that depictions and descriptions of the moral-law leg of the natural law are accommodated to the humans' capacity to comprehend, and are not as perfect as the moral law itself. So it's reasonable to assume that these depictions and descriptions, and the precepts that accompany them, would improve as a function of **progressive revelation**. Even though this is true, there is no globally prescribed human law in the creation covenant. In fact, to keep the covenant, Adam and Eve necessarily relied upon their own private consciences. They could not rely upon human law, so they necessarily relied upon their own consciences for obedience. Clearly their consciences were not sufficient to the task. Even so, because God enforces this covenant without any need for human

police powers, and because humans therefore keep the covenant primarily through the conformity of their own private consciences to natural law, which is what other biblical authors call having God's law written on their hearts, it's reasonable to refer to the age, era, and epoch initiated by the promulgation of this covenant, as the "Age of Conscience".

Part II

Chapter 5:
The Covenant of Grace / Adamic Covenant
(Age of Conscience — Genesis 3)

The creation covenant / covenant of works / Edenic covenant is similar to a country's organic constitution. Because it's the original covenant between mankind and God, it's reasonable to see an analogy between it and a human constitution. Expressed as a proportionality, this analogy says that the original covenant with mankind is to the human race what an organic constitution is to a constitutional republic. Following this analogy, subsequent covenants are not totally new and unrelated, but are rather sets of amendments or appendments to the previously existing covenant. — One objection to this analogy is that constitutions are fallible instruments devised by humans, and therefore don't deserve to be treated as analogous to the system of biblical covenants imposed by God. The core of this objection is that God is immutable and infallible, while humans are mutable and fallible. The answer to this objection is that when God speaks truth to humans, the truth He speaks is accommodated to human capacities. So the fact that God adapts His infallible communication of the truth to human capacities means that this objection doesn't really carry much weight. These biblical covenants are infallible, but they are not immutable. The fact that natural law is immutable while it controls the universe's constant change should be a notice to everyone, that these covenants are infallible because there is something immutable at their core. But because they interface with mutable humans, they are necessarily mutable at that interface. The mutability exists for the sake of allowing humanity to have a path from one point of extreme ignorance and darkness to another point of greater knowledge and light. Because human constitutions are based on the best common knowledge that a society can muster at any given point in time, it should surprise no one that the biblical covenants follow, at least in principle, a path similar to the path followed by constitutions of constitutional republics. This is not necessarily **eisegesis**, but is rather recognition that the prototypical constitutional republic, the American system, was designed by biblically literate people who almost certainly had the system of biblical covenants in the back of their minds during the design process. — With this objection addressed in this way, it's safe to assume that there is just such an analogy between a constitutional republic's constitution and this fundamental covenant with mankind, as long as the biblical covenant's infallibility is maintained relative to the constitution's fallibility. As should be evident by now, both constitutions and biblical covenants are types of perpetual contracts.

If a previous covenant was defined as perpetual, then it doesn't make sense that a subsequent covenant would entirely abrogate the preceding covenant. Such abrogation would mean that the prior covenant was entirely wrong. Because God is the author of these covenants, it might be blasphemous to entertain that thought. However, it stands to reason that if a subsequent covenant is promulgated by God, then such a new covenant must contain some new revelation of God's **preceptive will**, where this new revelation elucidates the terms of the pre-existing covenant, or provides more insight into the natural law, or prescribes better human laws, or does any number of things that advance God's plans for humanity. So all terms of all covenants between God and His people, in which the covenants are subsequent to the creation covenant, must be manifestations of **progressive revelation**, a gradual illumination of humanity's path. So the Edenic covenant is like an organic constitution, where each subsequent covenant would not terminate the previous covenant, but would modify it with new terms. As the human capacity for God's truth expands, God accommodates that expanded capacity with new special revelation. That is the pattern followed throughout the chronological unfolding of the divine law. So the Adamic covenant / covenant of grace is a set of amendments / appendments to the Edenic covenant / covenant of works. As examination of Genesis 3 will show, it's not entirely wrong to view the Adamic covenant as a renegotiation of the Edenic covenant.

Starting immediately after the Edenic covenant in the historical narrative is the description of the fall of mankind. Like Genesis 2, Genesis 3 is a covenantal passage. This is evident not because the passage explicitly refers to itself by using the Hebrew word *b'rit* (Strong's #1285). It's evident because this passage, like the Edenic passage, has all the necessary elements of a covenant. Like every contract, this covenant has offer, acceptance, and consideration. By building on the Edenic covenant, the Adamic covenant has contractual / covenantal components: offer, parties, consideration, obligations, benefits, penalties, duration, signs, *etc*. But before showing proof that this is true by explicitly examining the text, it's important to show that people who have generally adhered to the Reformed hermeneutic over the centuries have agreed that the covenant of grace exists. As was true with the Edenic covenant, proof that the covenant of grace exists appears in the Didactic, as again summarized by the Westminster Confession of Faith:

> Man, by his fall, having made himself incapable of life by that covenant [(*i.e.*, by the covenant of works)], the Lord was pleased to make a second commonly called the covenant of grace; wherein He freely offers unto sinners life and salvation by Jesus Christ; requiring of them faith in Him, that they may be saved, and promising to give unto all those that are ordained unto

> eternal life His Holy Spirit, to make them willing, and able to believe.[1]

While the Reformed hermeneutic leads inevitably to the recognition of the covenant of grace by way of the Didactic, people who don't use the Reformed hermeneutic might not be convinced that that covenant exists, for the same reason that they might not recognize the existence of the covenant of works. The Didactic clearly indicates that the covenant of grace exists. But even though this is true, the Didactic doesn't expound well the elements of the covenant that actually exist in Genesis 3. Instead, the Didactic focuses on the elements of Genesis 3 that pertain specifically to salvation. Genesis 3 has implications beyond salvation, and existence of the Adamic covenant / covenant of grace is confirmed by contractual elements within the text itself. In fact, the claims of the Didactic are proven true by close examination of Genesis 3. Even though the word *b'rit* does not appear in the passage, circumstantial evidence in Genesis 3 proves that the covenant exists.

The New Testament Epistles make it clear that the apostles had soteriological reasons for claiming, at least tacitly, that the covenant of grace exists. According exclusively to the sequence of events in Genesis 1-3, the covenant of grace must necessarily exist because God did not exterminate the human race when they violated the tree-of-knowledge prohibition. He could have. He even seemed to insinuate in verse 2:17 that that's what He would do if they violated that prohibition. Clearly, He chose to enforce the prohibition in 2:17 in a way that is ultimately gracious. He did this by changing the terms of the covenant between Himself and the people. That's one of the big reasons Reformed theologians call this the "covenant of grace". Another crucial reason it's called the "covenant of grace" is stated plainly in WCF 7.3, where it says that in the covenant of grace, God "freely offers unto sinners life and salvation by Jesus Christ". Salvation from what? From the death that all sinners deserve under the covenant of works.

Because the prohibition against eating the fruit of the tree of knowledge of good and evil is metaphorical (because the tree and its fruit are metaphorical), it's reasonable that a passage that is completely conditioned upon that metaphorical ordinance would also be largely metaphorical. All of chapter 3 is conditioned upon 2:17. So it's reasonable to understand the entire covenant of grace / Adamic covenant, as it appears in Genesis 3, as being metaphorical and/or extremely symbolic. Being

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1 WCF, 7.3. — This section of the WCF cites Galatians 3:21; Romans 8:3, 3:20-21; Genesis 3:15; Isaiah 42:6; Mark 16:15; John 3:16; Romans 10:6-9; Galatians 3:11; Ezekiel 36:26-27; and John 6:44-45. — URL: http://www.reformed.org/documents/wcf_with_proofs/index.html, retrieved 7 April 2016.

metaphorical it is a relatively simple expression that symbolically represents a far more complex and all-encompassing set of concepts.

The covenant of grace is amply described in Reformed theology, and it's outside the scope of this booklet to describe it again in detail.[1] There is no explicit prescription of human law in this chapter, but there are significant modifications to the global covenant that God has with humanity. This passage is essentially a set of amendments and appendments to the Edenic covenant, a renegotiation of that original covenant with mankind.

1 Now the serpent was more crafty than any other beast
of the field that the Lord God had made. He said to
the woman, "Did God actually say, 'You shall not eat
of any tree in the garden'?"
2 And the woman said to the serpent, "We may eat of
the fruit of the trees in the garden,
3 but God said, 'You shall not eat of the fruit of the tree
that is in the midst of the garden, neither shall you
touch it, lest you die.'"
4 But the serpent said to the woman, "You will not surely
die.
5 For God knows that when you eat of it your eyes will
be opened, and you will be like God, knowing good
and evil."
6 So when the woman saw that the tree was good for
food, and that it was a delight to the eyes, and that the
tree was to be desired to make one wise, she took of
its fruit and ate, and she also gave to her husband who
was with her, and he ate.
7 Then the eyes of both were opened, and they knew that
they were naked. And they sewed fig leaves together
and made themselves loincloths.
8 And they heard the sound of the Lord God walking
in the garden in the cool of the day, and the man and
his wife hid themselves from the presence of the Lord
God among the trees of the garden.
9 But the Lord God called to the man and said to him,
"Where are you?"

1 Anyone wanting a better presentation of the covenant of grace from the perspective of well-established Reformed theology should be edified by examining Grudem, **Systematic Theology**, pp. 519-522, or Hodge, **Systematic Theology**, vol. 3.

10 And he said, "I heard the sound of you in the garden,
and I was afraid, because I was naked, and I hid
myself."
11 He said, "Who told you that you were naked? Have
you eaten of the tree of which I commanded you not to
eat?"
12 The man said, "The woman whom you gave to be with
me, she gave me fruit of the tree, and I ate."
13 The Lord God said to the woman, "What is this
that you have done? The woman said, "The serpent
deceived me, and I ate."
14 The Lord God said to the serpent, "Because you have
done this, cursed are you above all livestock and above
all beasts of the field; on your belly you shall go, and
dust you shall eat all the days of your life.
15 I will put enmity between you and the woman, and
between your offspring and her offspring; he shall
bruise your head, and you shall bruise his heel."
16 To the woman he said, "I will surely multiply your pain
in childbearing; in pain you shall bring forth children.
Your desire shall be for your husband, and he shall rule
over you."
17 And to Adam he said, "Because you have listened
to the voice of your wife and have eaten of the tree
of which I commanded you, 'You shall not eat of it,'
cursed is the ground because of you; in pain you shall
eat of it all the days of your life;
18 thorns and thistles it shall bring forth for you; and you
shall eat the plants of the field.
19 By the sweat of your face you shall eat bread, till you
return to the ground, for out of it you were taken; for
you are dust, and to dust you shall return."
20 The man called his wife's name Eve, because she was
the mother of all living.
21 And the Lord God made for Adam and for his wife
garments of skins and clothed them.
22 Then the Lord God said, "Behold, the man has
become like one of us in knowing good and evil. Now,
lest he reach out his hand and take also of the tree of
life and eat, and live forever—"

> 23 therefore the Lord God sent him out from the garden
> of Eden to work the ground from which he was taken.
> 24 He drove out the man, and at the east of the garden of
> Eden he placed the cherubim and a flaming sword that
> turned every way to guard the way to the tree of life.
> (Genesis 3; **ESV**)

This passage is composed mostly of biblical facts, but there is a significant difference between the biblical facts that are distributed throughout this narrative and the biblical facts that appear in Genesis 1&2. The biblical facts in Genesis 1&2 are clearly aspects of the exogenous leg of the natural-law tripod. But it's not so obvious that the biblical facts that exist in Genesis 3 also fall into the exogenous leg of the natural law. The reason for this ambiguity is that the biblical facts in this chapter exist almost entirely in the **psychic** field of perception and action. The biblical facts in the Edenic passage pertain more explicitly to the **physical** field, and are therefore more easily recognizable as existing in the exogenous leg.

Verses 1-5 are essentially narration of a conversation between the woman and the serpent. Because serpents usually don't talk, the fact that this particular serpent talks is evidence that this conversation is happening in the **psychic** field. The conversation is biblical fact, and not biblical law. But the conversation is also essentially an offer feedback loop. The serpent is offering to enter into covenant with the people. In the same way that the marriage was a sub-covenant of the Edenic covenant, the covenant between the people and the serpent is a sub-covenant of the Adamic covenant. In verse 6, the people accept the serpent's offer. The nature of the consideration in this covenant between the people and the serpent isn't explicitly indicated in this passage, but other passages in the Bible show what the consideration is.[1] Although the consideration in the covenant between humans and the serpent is not obvious, verse 6 is pivotal to the Adamic covenant because it is biblical fact that marks the human's violation of the Edenic covenant's ban on the tree of knowledge. — Verses 7-13 are more biblical facts, but verses 9-13 also narrate a conversation between the people and God. This conversation is essentially another offer feedback loop, this time for the renegotiation of the terms of the Edenic covenant, the global covenant that encompasses the entire human race. — While most of the preceding two chapters are straight historical narrative, verses

1 The consideration pledged by the humans to God in the Edenic covenant was that they would glorify and worship God. As will be evident shortly, the consideration the humans pledge to Satan in their covenant with him is that they would shift their allegiance to Satan, and glorify and worship him. Humans thereby became duplicitous, at best.

3:14-19 fall within a poetic genre.[1] The fact that it's poetry may seem to indicate that it should be removed from the narration of straight biblical facts. But the fact that it's poetry should be understood to be a sign that significantly more inductive reasoning needs to be used in its interpretation, because it's even more loaded with metaphor and symbolism than usual. So even though it exists within a poetic genre, it still nevertheless manifests biblical law and fact, assuming reasonable induction is done. — Even though the serpent, like all the other creatures, was created "very good", God in verses 14-15 moves the serpent from the realm of the very good into the realm of the cursed. The serpent thereby shifts from being a good angel into being a bad angel. — In verse 16, God indicates that the woman thenceforwards would be cursed. — In verses 17-19 God indicates that Adam thenceforwards would be cursed. Verse 17 also indicates that the ground would be cursed. This curse on the ground is important because it signals the fact that humanity from then forward lives in pervasive evil. — Verses 20-24 are back in the genre of ordinary historical narrative. These five verses can be taken as biblical facts, but it's important to note that they also have profound implications for the ordinances of the covenant under which the human race would live from then forward.

There is no explicit commandment in this chapter, like the one regarding the tree of knowledge. Nevertheless, Genesis 3 has huge implications for biblical law. So practically every verse in this chapter must be examined closely. As already mentioned, one significant difference between the biblical facts in Genesis 1&2 versus the biblical facts in Genesis 3 is that the biblical facts in Genesis 3 fall much more consistently into the **psychic** field of perception and action. Even though it's in the **psychic** field, it still pertains to the exogenous leg of the natural-law tripod. Natural law includes everything knowable by humans, which necessarily includes some things within the **psychic** and **Spiritual** fields.

As already indicated, the fact that the Edenic covenant is an eternal covenant between God and humanity does not inherently entail that the terms of that covenant cannot be modified. It's certain that because that covenant was divinely imposed, humans cannot change it. Even so, the entire Adamic covenant in Genesis 3 is modification of some terms of the Edenic covenant. The most obvious creation ordinances that get modified are the tree-of-life ordinance and the tree-of-knowledge-of-good-and-evil ordinance. But there are also changes in the serpent's legal status and the humans' legal status. They change from being "very good" to being cursed. For the humans this change in status entails a switch from a death warning into a death fact. Regarding jurisdiction, the most obvious thing to note about Genesis

1 Actually, 1:27, 2:4, and 2:23 could also be taken as within the poetic genre. But this has little or no impact on the interpretation presented thus far.

3 is the change in territorial jurisdiction. The geographical jurisdiction shifts from the garden of Eden to an out-of-the-garden territory. How and why this is crucial should become obvious under closer examination of the text.

Sub-Chapter 1: Regarding Verses 1-6: Sub-Covenant with the Serpent

The "very good" statuses of the serpent and the humans changed as a result of what happened in verses 1-6. Verses 1-5 are essentially an offer feedback loop, an offer to enter into a contract. This claim regarding the offer feedback loop demands some explanation, because it may appear that the serpent is merely striking up a conversation in verse 1. But there is an insinuation in what the serpent asks the woman that clearly indicates that this is no innocent conversation. By asking the woman if God really, actually commanded the people to not eat of ANY tree in the garden, the serpent is insinuating that God's commands might be inherently excessive and onerous. It's a leading question, which begs another question: Where is the serpent leading, and what is he offering? He is insinuating that perhaps God is making unjust prohibitions, and perhaps the people should not tolerate that. This insinuation in verse 1 is clearly an effort at tarnishing God's reputation in the woman's mind. To understand why the serpent would do that, it's important to understand who, or what, this serpent is, and how this entity became something other than "very good". To gain an understanding of that topic, it's necessary to investigate the topic generally in the rest of Scripture.

To keep the investigation in context, it's important to bear in mind the following line of reasoning that's been established thus far:

(i) Given the fact that God exists, it follows that when God created the universe, He created cosmos, and not chaos. This inherently means that He created the universe by way of eternal law.

(ii) When God created humans, He created them localized in space and time, *i.e.*, He created humans finite, even though He also created humans with a capacity to live infinitely and eternally into the future. This means that humans are inherently limited in how much of the eternal law they are capable of knowing. Humans can never know all of the eternal law because only God can know that, because God and God alone is omniscient. It necessarily follows that natural law should be defined as that subset of eternal law that humans are capable of knowing.

(iii) Because humans are eternally localized in space and time, humans necessarily perceive whatever they perceive by way of a correspondence model of perception. In other words, the realms of perception and knowledge to which humans are inherently limited are three: (a)an exogenous realm outside the human being, (b)an endogenous realm inside the human being, and (c)a realm of morality and ethics that governs what choices and actions are good and what choices and actions are not so good. — These three realms function together like this: (a) Exogenous phenomena present a fundamental range of sensory inputs to the senses. These inputs can be to senses in the **physical**, **psychic**, or **Spiritual** fields of perception. (b)Endogenous phenomena present inclinations to the mind's choice-making faculty. For example, hunger and thirst present inclinations to the mind from somewhere subliminal to the mind's normal realm of consciousness. Such inclinations are primordial inputs to the choice-making process. This is true regardless of whether the inclinations pertain to **physical**, **psychic**, or **Spiritual** exogenous objects. Part of the endogenous phenomena includes partial replication of exogenous objects in the mind, *i.e.*, it includes percept formation and cognition.[1] (c)The moral / ethical realm is responsible for making choices, decisions, and judgments. It matches replicated exogenous phenomena with endogenous inclinations to arrive at choices. — This is called a correspondence model of perception because there is a correspondence between what's in the mind and the phenomena that are in the exogenous realm. Regardless of whether the exogenous phenomena are in the **physical** (as in everyday life), **psychic** (as in dreams), or **Spiritual** field of perception and action, there is a constant demand for humans to make choices, and the quality of those choices determines the extent to which the given human is conformed to the natural law.

(iv) In order for humans to live eternally, each must ***know what he/she needs to know when he/she needs to know it, so that he/she chooses what he/she needs to choose when he/she needs to choose it, so that***

1 It's reasonable to believe that childhood development includes a phase characterized by percept formation, followed by a phase in which percepts are integrated into concepts, followed by a phase of normal human cognition. — It's important to remember the difference between percept and precept. A percept is the image of a thing perceived. A precept is a rule of conduct. — The phase of normal human cognition is characterized by recalling concepts along with the integration of existing concepts into new concepts.

he/she does what he/she needs to do when he/she needs to do it, so that he/she does not miss the natural-law mark, *i.e.*, so that he/she remains utterly conformed to the natural law eternally into the future.

With these four firmly in mind, it's possible to examine verses 1-6 without losing the context that's already been established. But in order to interpret these verses properly, it's necessary to allow the text to speak for itself. If the text falls naturally into these categories, then it's safe to assume that the interpretation of Genesis 1&2, which led to these four conclusions, is correct. If verses 1-6 don't fall naturally into these categories, then it's necessary to conclude that there's something amiss about the interpretation of Genesis 1&2.

(i) Who Is the Serpent and What Is His Function?

In order to interpret Genesis 3:1 properly, it's necessary to understand what the rest of the Bible says about who or what this serpent is, and how this serpent became something other than "very good". There are at least three chapters in the Bible that speak at least ostensibly about the fall of Satan: Isaiah 14, Ezekiel 28, and Revelation 12. There are problems in getting straight and clear interpretations of each of these chapters, because none is strictly didactic, and none is purely historical narrative. The material that pertains to the serpent in Isaiah and Ezekiel are each in a poetic genre embedded within a prophetic passage. The material in Revelation 12 is part of John's apocalyptic vision. To explore this subject thoroughly, one would need to explore all three of these passages, and perhaps others. But because this booklet is merely aimed at being a hermeneutical how-to, focusing primarily on only one of these three chapters should be sufficient to show who or what this serpent is, and how this entity became something other than "very good". Because Ezekiel is most on point, explicating the pertinent passage in Ezekiel 28 should suffice.

Ezekiel 28 starts with, "The word of the Lord came to me: 'Son of man, say to the prince of Tyre, Thus says the Lord God". The subsequent poetic and prophetic oracle is clearly addressed to a human being, the political leader of the city of Tyre. That oracle continues from verse 2 and goes through verse 10. In verse 11, the oracle shifts from addressing the "prince of Tyre" to addressing the "king of Tyre". It's not unusual for a prophet to shift from addressing a **physical** entity to addressing a **psychic** entity.[1] It's clear in the "king" passage that Ezekiel's "lamentation over the king of Tyre" is not addressed to a mere man. It is addressed instead to "spiritual

1 The same kind of shift occurs in Isaiah 14. According to Wayne Grudem, "It would not be uncommon for Hebrew prophetic speech to pass from descriptions of human events to descriptions of heavenly events that are parallel to them and that the earthly events picture in a limited way." — Grudem, **Systematic Theology**, p. 413.

forces of evil in heavenly places", more specifically, to the spirit who is the prince of Tyre's puppet master.

12 "Son of man, raise a lamentation over the king of Tyre, and say
to him, Thus says the Lord God:
'You were the signet of perfection,
full of wisdom and perfect in beauty.
13 You were in Eden, the garden of God;
every precious stone was your covering,
sardius, topaz, and diamond,
beryl, onyx, and jasper,
sapphire, emerald, and carbuncle;
and crafted in gold were your settings
and your engravings.
On the day that you were created
they were prepared.
14 You were an anointed guardian cherub.
I placed you; you were on the holy mountain of God
in the midst of the stones of fire you walked.
15 You were blameless in your ways
from the day you were created,
till unrighteousness was found in you.
16 In the abundance of your trade
you were filled with violence in your midst, and you sinned;
so I cast you as a profane thing from the mountain of God,
and I destroyed you, O guardian cherub,
from the midst of the stones of fire.
17 Your heart was proud because of your beauty;
you corrupted your wisdom for the sake of your splendor.
I cast you to the ground;
I exposed you before kings,
to feast their eyes on you.
18 By the multitude of your iniquities,
in the unrighteousness of your trade
you profaned your sanctuaries;
so I brought fire out from your midst;
It consumed you,
and I turned you to ashes on the earth
in the sight of all who saw you.
19 All who know you among the peoples
are appalled at you;

you have come to a dreadful end
and shall be no more forever."

(Ezekiel 28:12-19; **ESV**)

According to this passage, this entity was in Eden (v. 13) and was "an anointed guardian cherub" (v. 14). Given that everything in the garden of Eden was "very good" until the serpent and the humans started behaving in ways that caused them to be cursed, this passage from Ezekiel clearly refers to the entity symbolically represented by the serpent. The Hebrew word translated to "guardian" in **ESV** (*sakak*, Strong's #5526a) is translated to "covering" in some other translations. According to Strong's Concordance, both translations are correct. So the serpent is a guardian angel, an angel responsible for covering or screening something. This clearly begs the question: What was the serpent covering or guarding? This can be induced from three descriptive statements in this passage: (i)"You were the signet of perfection, full of wisdom and perfect in beauty" (v. 12b); (ii)"every precious stone was your covering" (v. 13a); and (iii)"Your heart was proud because of your beauty; you corrupted your wisdom for the sake of your splendor"(v. 17a). This entity was the seal of perfection, full of wisdom and beauty. Then he corrupted his wisdom for the sake of his beauty. He was covered with sparkly, fiery, beautiful stones, and he became haughty and arrogant for the sake of his beautiful appearance, and forfeited his wisdom for his appearance's sake. From these characteristics, it's evident that the serpent was originally assigned the task, as a sinless creature, of being the guardian angel over appearances. As long as there was no conflict between appearances and actualities, this guardian angel of appearances retained wisdom and beauty in harmony. When appearances and actualities became incongruous, this angel simultaneously sacrificed his wisdom for his beauty. The serpent's sacrifice of wisdom for the sake of appearances relates to the woman's misidentification of the tree of knowledge. She assumed that the tree was something that it wasn't, so there was a discrepancy between what she thought the tree was and what the tree actually was. In her perception of it, appearances and actualities were incongruous. She thought it was something that it wasn't, and the serpent encouraged her in that misperception. The serpent's preference for appearance over actuality is essentially similar to her preference for appearance over actuality.

There is no explicit evidence in Scripture to prove that the serpent had fallen prior to his tempting the woman. Common sense says that he was probably already fallen when he lied to the woman. Otherwise he would not have been lying to her. Common sense also says that he was at least starting to fall when he asked the woman the initial, insinuating question. Even though these are common-sense conclusions about the timing of the serpent's fall, it's still obvious that God did not cause this angel of appearances to go bad, because God is not the author of sin. So

there are questions not only about when the serpent fell, but also about how, and why. What caused this angel to miss the natural-law mark? — It's likely that this angel was created with a vulnerability similar to the human's vulnerability, and these mutual vulnerabilities formed a feedback loop. As a feedback loop, the angel of appearances and the people were encouraging each other to go bad. So prior to the conversation between the woman and the serpent, they both probably started going bad, starting with their mutual vulnerabilities. This is evident not only in the serpent's insinuation, but also in the way the woman responded.

Isaiah 14 indicates that the serpent had delusions of grandeur. In Isaiah 14 the prophet switches from addressing the king of Babylon to addressing Satan. In doing so, he shows the motives that Satan had in the sin that marked his fall.

> 12 "How you are fallen from heaven,
> O Day Star, son of the Dawn!
> How you are cut down to the ground,
> you who laid the nations low!
> 13 You said in your heart,
> 'I will ascend to heaven;
> above the stars of God
> I will set my throne on high;
> I will sit on the mount of assembly
> in the far reaches of the north;
> 14 I will ascend above the heights of the clouds;
> I will make myself like the Most High.'
> 15 But you are brought down to Sheol,
> to the far reaches of the pit.
>
> (Isaiah 14:12-15; **ESV**)

In this passage, this entity clearly coveted attributes that are God's alone. He put himself into competition with God for His omniscience, omnipotence, and sovereignty.

This passage from Isaiah 14 is obviously addressed to a **psychic** entity, the "anointed cherub who covers" (Ezekiel 28:14; **NASB**). This anointed cherub who covers was "in Eden, the garden of God", and was "on the holy mountain of God". Like the "serpent" in Genesis 3:1 -- who was "more crafty than any beast of the field" (**NASB**) -- this **psychic** entity was "full of wisdom". This entity was "cast … as profane From the mountain of God" (Ezekiel 28:16; **NASB**). The only "cherub" that fits this description is Satan, the chief among fallen angels.

These passages reinforce the belief that the serpent was the angel of appearances. God originally gave Him charge over the shiny and beautiful things of the **physical**

and **psychic** fields of perception. More than that, God put him in charge of all **physical** and **psychic** appearances. Isaiah 25:6-8 reinforces this:

> 6 On this mountain the Lord of hosts will make for all peoples
> a feast of rich food, a feast of well-aged wine,
> of rich food full of marrow, of aged wine well refined.
> 7 And he will swallow up on this mountain
> the covering that is cast over all peoples,
> the veil that is spread over all nations.
> 8 He will swallow up death forever;
> and the Lord God will wipe away tears from all faces,
> and the reproach of his people he will take away from all the earth,
> for the Lord has spoken.
>
> (Isaiah 25:6-8; **ESV**)

This passage is a description of the "marriage supper of the Lamb" (Revelation 19:9-17). This passage indicates that God "will swallow up the covering which is over all peoples, Even the veil which is stretched over all nations" (v. 7; **NASB**). To what is Isaiah referring when he talks about "the covering", the "veil"? The answer is in the next phrase: "He will swallow up death". So the "covering" in Isaiah 25:7 is "death". This is completely consistent with this **exegesis** of Ezekiel 28:11-19 because "the wages of sin is death" (Romans 6:23), and because improperly evaluating anything in the **physical** or **psychic** fields of perception is missing the mark, which is sin, which is the root cause of death. So "covering" in both Ezekiel 28 and Isaiah 25:7 refers to misapprehension of reality, which is delusion, and which leads to missing the natural-law mark, and where such sin leads to death. So by being the angel of appearances and the "cherub who covers" (**NASB**), the serpent turned into the angel of death. — This interpretation is confirmed by Isaiah 25:7, which says "[O]n this mountain He will swallow up the covering which is over all peoples, Even the veil which is stretched over all nations." (**NASB**) The preceding verse (Isaiah 25:6) indicates that this "mountain" is where God is having a "lavish banquet for all peoples on this mountain" (**NASB**). This being the "marriage supper of the Lamb" (Revelation 19:9), the "veil which is stretched over all nations", *i.e.*, over all people, will be "swallow[ed] up". In other words, the misperception that characterizes humanity's being deceived by appearances (*i.e.*, by the "covering"), will be eliminated. — Both Ezekiel 28:14 and Isaiah 25:7 are indicating that Satan is the angel of appearances. Both are therefore implying that before the fall, human beings were not deceived by appearances, but the fall itself was an event characterized by the corruption of the human's perception of appearances.

The serpent was "crafty" because it takes craftiness and "wisdom" to relate **physical** and **psychic** appearances to the **Spiritual** field of perception in such a

way as to do no damage to either of these fields. In other words, the serpent's primary function before his fall was keeping harmony between that which "covers", *i.e.*, appearances, and the underlying realities of the **Spiritual** field of perception.

When the prophet says, "Your heart was lifted up because of your beauty" (Ezekiel 28:17; **NASB**), he is pointing at the same arrogance and pride that were accredited to Satan in Isaiah 14. So Ezekiel is agreeing with Isaiah regarding the sin(s) that were the cause of the serpent's fall.

In conclusion, it's necessary to say that the serpent in the garden was the archangel in charge of coordinating appearances with actuality. The serpent "sinned", he fell, he missed the mark and went into non-conformity with natural law, by preferring appearances over wisdom, and metaphorically choosing appearances over coordination of appearances and reality. The archangel of coordinating appearances and actuality thereby shifted into being strictly the archangel of appearances, which is the same as the archangel of deception, lies, and death.

(ii) Why and How Were the People Vulnerable?

Now that it's clear, through biblical **exegesis**, that the serpent was the archangel of coordination of appearances and actuality, and of coordination between the three legs of the natural law, but was somehow perverted into being the archangel of deception and incongruence between the three legs of the natural law, it's possible to return to focusing on the offer feedback loop between the people and the serpent in Genesis 3. — The people in the garden were certainly adept at processing **physical** and **psychic** sensory input in such a way as to keep it harmonized and synchronized with **Spiritual** sensory input. As long as their sensory input was limited to the garden, this conformity to natural law was normal and natural. As long as their thoughts, speech, and behavior were confined to the garden, whatever "knowledge of good and evil" they had was sufficient to maintain such harmony. They had just enough knowledge of good and evil to make good choices within the garden, and to thereby remain in beatific relationship with God, by choosing the best off a continuum of choices from good to bad. But even the thought of having their range of choices encompass the entire natural law, rather than being limited to the range of choices presented to them in the garden, was enough to initiate the slide into missing the natural-law mark. They had the mental equipment necessary to process inputs from the garden, excepting that one tree. But they lacked the software necessary for processing inputs from the whole wide world in such a way as to make impeccable choices in that broad range. Exposure to that broader range of inputs could be characterized as sensory overload. It's a situation in which people have more sensory input than they are able to process. When people have more sensory input than

they are able to process, they have an inadequate internal image of some external object that's subject to the choice-making process, and that bad image leads to a bad choice. So sensory overload tends to generate bad choices. Making bad choices tends to generate disharmony between the **physical**, **psychic**, and **Spiritual** fields of perception and action, and it tends to generate disharmony between the three legs of the natural-law tripod. This sensory overload is characterized by Ezekiel as "the multitude or your iniquities, in the unrighteousness of your trade" (v. 18; **ESV**), which led to the fact that, "In the abundance of your trade you were filled with violence" (v. 16; **ESV**).

In verse 15, the Lord through Ezekiel tells Satan, "You were blameless in your ways … Until unrighteousness was found in you" (**NASB**). How did unrighteousness get into him? Was this missing the natural-law mark a volitional phenomenon on the part of the cherub? The fact that verse 16 plainly says, "you sinned", appears to indicate that the serpent's unrighteousness was volitional, that he willed himself to sin. But it's likely that angels are entities under authority, and that they don't really have "free will" in the same sense that humans do. As the archangel over coordination between appearances and actuality, the serpent was created with appearances and actuality in harmony. But the fact that he preferred appearances over wisdom indicates that he was created with a vulnerability for that preference. It's probable that this bifurcation started with the feedback loop between the people and the serpent, and the serpent only did what the people prompted him to do. Because the humans were created sinless, and therefore living in perfect harmony with natural law, they were created with "preternatural powers". Having powers far beyond what is normal for fallen humans, the humans in the garden probably had authority over angels.[1] They are therefore more likely to have been the source of the problem that initiated the slide into unrighteousness. And the serpent was merely responding the way the serpent was created to respond, *i.e.*, by doing what he was commanded to do as the archangel over coordination between appearances and actuality.

There appears to be a valid *prima facie* argument that if the serpent had not been flawed, he would not have tempted the woman; if the woman had not been flawed, she would not have succumbed; and if the man had not been flawed, he would not have succumbed. So from this perspective, all three were created flawed. But

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1 In 1Corinthians 6:3, Paul says, "Do you not know that we [(meaning the saints)] are to judge angels?" (**ESV**). If the saints are to judge angels, isn't it likely that Adam and Eve could command them? This is especially true given that Hebrews 2:5-9, especially in the context of Hebrews 1:1-2:18, implies that humans were created to have dominion over the angels.

Why and How Were the People Vulnerable?

Genesis 1&2 are emphatic that as created, they were each sinless and "very good". But the difference between the garden range of choices and the "all the earth" range of choices marks a vulnerability within the people. The existence of this vulnerability does not inherently cause the people and the serpent to be something other than "very good". But it does mark a potential for becoming something other than "very good". So the analysis of what's happening in Genesis 1-3 should include a thorough description of this vulnerability; and the description should make it clear why it's valid to claim the following two things simultaneously: (i)Each of the three entities was sinless and "very good"; and (ii) each had a vulnerability to losing sinlessness. As already proposed, the vulnerability in the humans relates to the humans' lack of mental equipment (software) necessary to process inputs from "all the earth". Even though the humans certainly had the mental equipment for processing inputs from the garden, they lacked the software for the larger milieu. But the exception to this claim about inputs from the garden pertained to the tree of knowledge. This is because the tree of knowledge was the doorway or portal to "all the earth". As miniature sovereigns, it was necessary for humans to develop their own software for the "all the earth" range of choices. In order for humans to genuinely take dominion over "all the earth", it was necessary for them to take full responsibility for their choice-making under the full range of the natural law, where this full range is symbolized by "all the earth". This meant that they needed to develop their own software, which meant that they needed to deliberately and cognitively choose to do so. If God forced them to do so, then that would make God the author of sin. But God did not force them, and God is not the author of sin. If people don't like the fact that things were set up in this way, then that's the clay complaining to the potter (Romans 9:20-22), which is simply a violation of jurisdictional boundaries. Even though the sequence of events in Genesis 3:1-6 can be interpreted to give the *prima facie* appearance that God tricked them into choosing the full range of knowledge of good and evil, choosing that interpretation clearly violates the analogy of faith. Also, if humans are to develop the capacity to operate sinlessly with this full range of choices, then it's hardly valid to start off that developmental process by blaming God for setting things up in this way. To keep one's conscience clear, it's necessary for every human to take full responsibility for his/her choices. God did not trick them. They each made a conscious decision based on the knowledge available. But this interface between their inclinations and their knowledge should be explored thoroughly.

To see beyond the mandate-obedience motif, it's necessary to examine more thoroughly the relationship between the serpent's leading question and the woman's biased answer. By doing this, it should become clear that the core reason things unfolded the way they did in verses 1-6 was because the people's consciences started

becoming jaded. To substantiate this claim, it should help to examine more precisely what the conscience is, prior to examining the leading question and its answer.

In effect, the Apostle Paul makes it clear in Romans that having a clear conscience is crucial to harmony between the three legs of the natural law.

> 18 For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who by their unrighteousness suppress the truth.
> 19 For what can be known about God is plain to them, because God has shown it to them.
> 20 For his invisible attributes, namely, his eternal power and divine nature, have been clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse.
> 21 For although they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their foolish hearts were darkened.
>
> (Romans 1:18-21; **ESV**)

Evidenced by the woman's biased answer to the serpent's leading question, what's being described in this passage is precisely what was happening to the woman's conscience at the time of the serpent's question. She started suppressing the truth. That's why she answered the way she did. If she had answered the serpent's leading question forthrightly, she would have just said "No!". Instead, she went into spilling her guts, and in the process revealed that she had a biased view of her circumstances. She said, paraphrasing, "We're permitted to eat of all the trees except the one in the middle of the garden." But there were two trees in the middle, not just one. The fact that she indicated that there was only one shows that she was already becoming biased. It shows that she was discounting the tree of life, and acting like it wasn't important, while elevating the tree of knowledge to being the only tree in the middle, a tree with a deadly mystique. This shows that her conscience was already slipping from perfect conformity to natural law into non-conformity. She was taking the tree of life for granted, and focusing only on the prohibition. Even though she had "preternatural powers", and even though she did not suffer the "noetic effects of sin" (sin's degrading impact on the human mind), her inclination to operate in "all the earth" rather than to be limited to the garden started prompting her to discount the tree of life and to exalt the tree of knowledge. — It's important to understand this from the perspective of Romans 1&2, and it's important to understand Romans 1&2 from the perspective of the natural-law tripod. By looking at Genesis 3:1-6

from these points of view, it should become obvious what crucial role conscience played in the fall of mankind.

Implicitly in the first two chapters of Romans, the first instance of God's wrath being revealed from heaven against human unrighteousness was this case of the man and the woman in the garden. The woman's suppression of the truth about the true nature of these two trees probably started very subtle, something subliminal, below the threshold of consciousness, something related to the broader range of choices. The nature of those two trees was plain to her, but at a subliminal level, she started suppressing that truth. As a miniature sovereign, is she responsible for what happens at her subliminal level of consciousness? Absolutely, because she is responsible for what her conscience tells her, and she's morally responsible for her response thereto. Even though this initial suppression was not conscious, it happened on her turf, and she was therefore responsible for it as a miniature sovereign. It was a pre-conscious inclination arising out of the endogenous leg. This pre-conscious inclination arose out of her desire to be a fully formed miniature sovereign having dominion over the full range of the natural law. Although that inclination was "very good", it conflicted with her need to plainly perceive the nature of those two trees. Correctly perceiving those two trees was crucial to correctly perceiving God, because of the respective natures of those two trees. This suppression was essentially an act of corrupting the conscience. It was an act of suppressing knowledge about God's "eternal power and divine nature", and doing so for the sake of knowledge of good and evil beyond the boundary of the garden. Before the onset of suppressing and corrupting the conscience, the people perceived God's attributes clearly. But by evaluating the tree of knowledge more highly than the tree of life, they were sliding towards idolatry, and they were failing to clearly perceive God's attributes, and to value God more highly than any created thing. So this subliminal inclination was an inclination towards idolatry, an inclination towards evaluating creation as more valuable than creator. This subtle onset of idolatry was a subtle act of not honoring God as God, of allowing futility to enter their thinking, and having their hearts darkened.

From this passage in Romans, it's clear that the onset of evil was extremely subtle. It's clear that the natural law in all of its perfection reaches the subconscious mind of every human being, and it's clear that it is perfect at that intersection. So it's also clear that this is true of the man and woman in the garden. Unlike all subsequent human beings, the man and woman were not conceived in a state of suppressing the knowledge of God, and they were not suffering all the ramifications of such suppression. They were not suffering the "noetic effects of sin", and they had "preternatural powers". The exogenous leg of the natural law, in all three

fields of perception and action, was reaching their senses and being converted into reliable cognitive replicas of exogenous objects and phenomena. Inclinations from the endogenous leg of the natural law were crossing the threshold of consciousness and presenting reliable inclinations to the cognitive faculty, thereby allowing the cognitive faculty to interface with the conscience in such a way as to make good choices and to implement those choices with good actions. — The core reason the people's consciences started becoming seared was not in their cognition. The core reason was therefore not in the moral-law leg of the natural law. The core reason was in their endogenous inclinations. The core reason was that they were created to be miniature sovereigns with capacity to ***know what they needed to know when they needed to know it, so that they would choose what they needed to choose when they needed to choose it, so that they would do what they needed to do when they needed to do it, where need is defined as compulsion to complete harmony between the three legs of the entire natural law***. Because the natural law is ALL of the eternal law that humans are capable of knowing, this means that the natural law's range of choices exceeded the range of choices available within the garden. So they were created with a natural inclination to want to operate in "all the earth". But God put them in the garden to protect them from that inclination, because that inclination would entail their loss of "preternatural powers", the onset of the "noetic effects of sin", and their deaths. Does this mean that God set them up to be sinners, and is therefore the author of sin? No! It means that God created them in beatific relationship with Him, and in perfect harmony with the natural law, and they chose to discard that beatific relationship and to live in dis-conformity with natural law. They were created to be moral agents, agents of the moral-law leg of the natural law, and to therefore be utterly responsible for their choices and actions.

God cannot be rightly blamed for making the people this way because God made them this way for a greater good. Often greater-good arguments cannot withstand strict scrutiny because the greater-good arguments are often given to defend statism. But in this all-encompassing case, the greater-good argument MUST stand. Without it humans have no hope for anything good, ever. With it, the road to the New Jerusalem opens up in all its glory. — The greater-good argument goes like this: God created humans sinless, with preternatural powers, and in beatific relationship with Him. Like Paul, they were in paradise, but even more holistically and steadfastly. But God also created them with an inherent inclination to operate with the full range of choices under the entire natural law. But God put them into the garden where their range of choices was much smaller than the full range of choices under the entire natural law. God did this because He created the people to be fully formed miniature sovereigns. Fully formed miniature sovereigns have collective dominion over "all the earth", *i.e.*, over the full range of the natural law.

Why and How Were the People Vulnerable?

Fully formed miniature sovereigns, as individuals, must first have dominion over their own minds, meaning over the full range of choices presented to the individual by the full range of the natural law. Each fully formed miniature sovereign ***knows what he/she needs to know when he/she needs to know it, so that he/she chooses what he/she needs to choose when he/she needs to choose it, so that he/she does what he/she needs to do when he/she needs to do it, where need is defined as the natural compulsion to remain in complete conformity to the natural law eternally into the future***. By partaking of the tree of knowledge, the people fell into non-conformity to natural law because of their lack of knowledge about the full range of the natural law. Complete conformity to natural law is the natural state for human beings. Similar to the way each animal species was created to live within a specific kind of ecological niche and to have a specific range of choices within such niche, humans were created to have a range of choices that encompasses the entire natural law. So the entire natural law is the human's natural ecological niche. But humans were not given knowledge about how to operate within that ecological niche's full range of choices. This is because one crucial aspect of being a miniature sovereign entails that each miniature sovereign take utter responsibility for knowledge, cognitive abilities, and choice making, which includes knowledge about how to make good choices under the entire natural law. For humanity as a whole, the fall was the beginning of this process of taking dominion, primarily over the mind, but also over **primary property**, **secondary property**, collectively over "all the earth", and over the entire natural law. The end result of this process of taking dominion is ultimately worth the trouble. The goal is the complete conformity to natural law of all of God's elect, both as miniature sovereigns and collectively as a society of miniature sovereigns. — A woman travails in childbirth, but when the baby is born, she forgets all the pain. This result not only makes the trouble worth it. It also gives new meaning to the expression, "What Satan meant for evil, God meant for good." So in this all-encompassing case, the greater-good argument is glorious and genuinely good.

In conclusion, the people were vulnerable because of this discrepancy between the "garden of Eden" and "all the earth". The reason each human was created with this vulnerability was because God's plans for the human race demanded that each person procure knowledge of good and evil, because it would not be "hardwired". Being made in God's image demanded that people take complete responsibility for their knowledge bases, their knowledge processing, and their choices. This demanded that they procure knowledge of good and evil volitionally, rather than having it "hardwired" as though humans were mere automatons or animals. To be a genuine miniature sovereign, each human would need to take dominion over his/her acquisition and procuration of knowledge, and over the whole process of

accurately perceiving, processing information, and behaving. Humans were created to have dominion over the angels. This is implicit in Hebrews 2:5-9. Such dominion gives humans "preternatural powers". But as long as human perception, conception, and understanding are strewn with error, dominion over angels is a prescription for disaster. That's precisely why God has denied humans dominion over angels as long as humans are in this fallen condition. So as part of the process of eating the banned fruit, the people commanded the angel of appearances to fall. They essentially handed dominion that should have been theirs over to a **psychic** entity who became dedicated to distorting reality. As their minds became corrupted and they lost the "preternatural powers", this **psychic** entity stepped in as a surrogate for God. But where God has ontological being, Satan as the archangel of distorted appearances has a much more ambiguous ontological being.[1] He exercises the power he does because the human race gave it to him when they entered into covenant with him at the fall. Through the fall, all of Adam and Eve's descendants have been in covenant with Satan through pre-cognitive consent. Of course humans are prone to wrongly blame God for the fall, but they are also prone to suppress the truth and to wrongly blame God for predetermining everything else they see as evil.

(iii) Stub Re:Apologetics: "Theological Determinism", "Free Will", & "Compatibilism"

People who use the Reformed hermeneutic generally know that God is not culpable for anything wrong anywhere. They know that human individuals and humans collectively are to blame for all that's wrong in the fallen state of affairs. Humans willed it from the beginning. So Reformed people see no conflict between God's predetermining "whatsoever comes to pass" and what's commonly called "free will". This compatibility between "theological determinism" and "free will" has generally been called "compatibilism", or "Calvinistic compatibilism". The compatibility between "theological determinism" and "free will" is biblically sound, but it has been a major and constant point of attack by secularists practically since the beginning of the Reformation. Although this booklet is about biblical hermeneutics, it's prudent to create a stub here for apologists to address this metaphysical issue. Doing so should help clarify the **exegesis**. Doing so can also be justified by the fact that this version of the Reformed hermeneutic is dedicated to the conviction that there is no inherent conflict between extra-biblical facts and intra-biblical facts. — This booklet's natural-law-based exposition of what is happening in Genesis 1-3

1 The serpent was created "very good", and with ontological being. To whatever extent this entity distorts appearances, and creates disjuncture between appearances and reality, this entity lacks ontological being.

needs a defense against non-Reformed people who are likely to object to it based on the old purported dichotomy between determinism and free will. According to the Westminster Confession of Faith, there is no such dichotomy:

> God from all eternity, did, by the most wise and holy counsel of His own will, freely, and unchangeably ordain whatsoever comes to pass; yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established.[1]

Genuine Reformed Christians are likely to accept this proposition as true, and they're also more likely than most to have some ideas about how and why it's true. This is because of their greater exposure to the arguments. It's prudent, in passing, for this booklet to briefly show how and why it's true within the context of this natural-law-based exposition.

The claim that God ordained whatsoever comes to pass can be taken as a preliminary definition of "theological determinism". Determinism in secular philosophy can be understood like this:

> determinism — "The doctrine that every fact in the universe is guided entirely by law. … The doctrine holds that all the facts in the physical universe, and hence also in human history, are absolutely dependent upon and conditioned by their causes."[2]

Because this definition holds that all facts "are absolutely dependent upon and conditioned by their causes", this definition is inherently dependent upon the so-called "law of causality". The law of causality has numerous definitions in the philosophical tradition, but historically, and especially in modern times, secular definitions of this law are generally not compatible with Reformed theology. Because the above definition of determinism can be construed as being confined to "facts in the physical universe", that definition is also not compatible with Reformed theology. An informal statement of the law of causality is that every effect has a cause, and every cause produces an effect. Because this informal definition defines cause and effect in terms of one another, the law of causality, according to this informal definition, is analytically true. The law of causality clearly implies that there is a chain of cause and effect that either can be theoretically tracked back to a primary cause, or be tracked into an infinite regress. Incorporating Aristotle, Christian theologians like Thomas Aquinas propose that this is not an infinite regress because there is a prime

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1 WCF 3.1. — URL: http://www.reformed.org/documents/wcf_with_proofs/index.html.

2 James K. Feibleman, **Dictionary of Philosophy**, ed. Dagobert D. Runes, 1983, Philosophical Library, Inc. (Rowman & Allanheld), p. 94.

mover, a cause that is not also an effect, and this prime mover is God. This claim is certainly compatible with Reformed theological determinism, but the above secular definition of determinism is open to allowing the infinite regress, which is not compatible with Reformed theological determinism. Because the above definition has these and other defects, it's necessary to modify the above secular definition of determinism so that the result is compatible with Reformed theology, *i.e.*, so that the result is a biblical and reasonable definition of theological determinism.

There are problems in claiming that "every fact in the universe is guided entirely by law". For one thing, it implies that if God exists, He could be the god of the deists. The deists claim that their god created the universe and set it to operate according to a certain set of laws, then chose to be eternally indifferent to it and disengaged from it. In other words, the deist's god is transcendent, but not immanent. But the God of the Bible is both transcendent and immanent. Because God created cosmos and not chaos, God set creation, *i.e.*, the universe, to operate by law, primary among which is eternal law. The aspect of eternal law that humans are capable of understanding is natural law. The claim that "every fact in the universe is guided entirely by law" is problematic not only because of deist misconceptions, but also because humans are prone to include in their definition of "law" only what they know to be law. In other words, humans are prone to normalcy bias by which they exclude concepts of law that are not normal to them. They are thereby prone to conceive of law as a set of arbitrary rules enforced by a capricious police force. This is especially true in times of social decay. In contrast to this, it's critical for the Bible-believing Christian to recognize that wherever natural law is in operation, eternal law is also in operation, and that God can operate through eternal law in both His immanence and His transcendence. With these qualifications, it's possible to rephrase the first sentence in the above secular definition of determinism so that it would be true in a new definition of theological determinism: *The doctrine that every fact in the universe is guided entirely by eternal law.*

As indicated, the second sentence in the secular definition also has significant problems. One of these problems arises out of the limitation of the universe to the "physical" field of perception and action. This hermeneutic recognizes that human fields of perception and action are not limited to the **physical**, but also include the **psychic** and the **Spiritual** fields. With these facts clear, it's possible to render a definition of determinism that doesn't inherently dishonor God, *i.e.*, a definition of theological determinism:

> theological determinism — The doctrine that every effect in the universe is guided entirely by eternal law, and is thereby a fact. The doctrine holds that all the effects in the universe perceivable through **physical**,

> **psychic**, and **Spiritual** senses, and hence also in human history, are absolutely dependent upon and conditioned by their causes, where every effect is preceded by a cause, and where the chain of cause and effect originates in the uncaused cause, the prime mover, God, whose existence is also a fact.

Like the law of causality, the doctrine of determinism is crucial to the existence of science. Determinism is simply a more encompassing conception of the law of causality, where effects are simply facts. Determinism is crucial to the conception of the universe as cosmos rather than chaos. But there is a long-standing controversy about whether human cognitive faculties are subject to determinism, and this controversy is why this stub on apologetics is needed in this booklet on hermeneutics. This controversy is now embedded in the visible Church and is largely responsible for the massive schisms and fragmentation that have existed therein since the Reformation. This controversy appears in argumentation over Reformed / Calvinistic soteriology versus Arminian / semi-Pelagian soteriology, and both of these versus Pelagian soteriology. It also exists in argumentation over the current doctrine of "open theism" and other God-defaming, biblically vandalistic teachings. In regard to these issues, Reformed theology is true to the Bible, and the Reformed position is the true position. So the Reformed conception of predestination is true: "God from all eternity, did, by the most wise and holy counsel of His own will, freely, and unchangeably ordain whatsoever comes to pass".[1] But many secular advocates of human "free will", including many within the visible Church, contend that such theological determinism, such predestination, conflicts with human "free will". For example, secular economist, Dr. Murray N. Rothbard, wrote the following in his book, **The Ethics of Liberty**:

> Indeed, the very fact that the knowledge needed for man's survival and progress is not innately given to him or determined by external events, the very fact that he must use his mind to learn this knowledge, *demonstrates* that he is by nature free to employ or not to employ that reason – i.e., that he has free will.[2]

In this sentence, Rothbard is indicating that he tends to believe in "metaphysical libertarianism".[3] Metaphysical libertarianism claims that "free will" is not compatible

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1 WCF, 3.1.

2 Murray N. Rothbard, **The Ethics of Liberty**, 1998, 2002, New York University Press, New York, New York, p. 31. — URL: http://mises.org/rothbard/ethics/ethics.asp, retrieved 29 April 2016.

3 It's important to note in passing that metaphysical libertarianism is not the same thing as jurisprudential libertarianism. This booklet will address the latter under the auspices of the Noachian covenant.

with a deterministic universe, and it's certain that moral agents have free will, so determinism must be false. Perhaps Rothbard didn't claim that determinism is a false doctrine, but it's certain that he claimed that humans have free will, and that the human mind is not deterministic. He thereby adopted a position that determinism and free will are not compatible, and his bias is certainly on the side of free will. He may have allowed that determinism has a place in the hard physical sciences, but it's also certain that he was convinced that determinism is incompatible with the fact that humans have free will. — The Rothbardian position on this particular subject is not compatible with the biblical fact that God ordained, *i.e.*, determined, "whatsoever comes to pass". This is because "whatsoever comes to pass" includes whatever humans may think, dream, choose, decide, or do.

Rothbard positioned himself as more economist than philosopher or theologian, so maybe he was operating outside his area of expertise in making these claims. Nevertheless, the above statement leaning towards metaphysical libertarianism is accompanied by the following footnote:

> For one thing, a person cannot coherently believe that he is making judgments and at the same time that he is being determined by a foreign cause to do so. For if that were true, what would be the status of the judgment that he is determined? This argument was used by Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. H.J. Paton (New York: Harper and Row, 1864), pp. 115f.[1]

If the definition of determinism were limited to "facts in the physical universe", as the above secular definition of determinism can be construed to propose, then this claim by the Rothbard / Kant team that "a person cannot coherently believe that he is making judgments and at the same time that he is determined" might carry some weight. But the above definition of theological determinism reduces that weight to zero. This is because God is able to ordain, predestinate, and determine human judgments, choices, and behavior without humans ever having any awareness that that's what He's doing. This is because human consciousness, and therefore the human capacity to make judgments, is confined to the realm of natural law, while God is not. God can operate in that aspect of eternal law that transcends natural law. So it's important to remember what the rest of the Westminster Confession of Faith, 3.1, says, after saying that God determines everything: "yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established."

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1 Rothbard, **Ethics of Liberty**, pp. 31-32, footnote 4.

This hermeneutic's distinction between eternal law and natural law clearly reinforces WCF 3.1.

This hermeneutic assumes that numerous Reformed theologians have already proven the biblical veracity of WCF 3.1 over the centuries. So this booklet will try to avoid re-inventing the wheel here. Nevertheless, it's important to notice that Jonathan Edwards, through his book, **The Freedom of the Will**, made major contributions to the defense of Calvinistic compatibilism against secularists and vandals in high places. In **Freedom of the Will**, Edwards makes a convincing argument that in order for anyone to choose anything, there must be some kind of inclination within the given human that acts as the motive force behind the choice. Given the weight of Edwards' argument, it's necessary to conclude that such inclinations exist within the human subconscious and influence the will in the choice-making process. So if humans choose something evil, then it's necessary to conclude that they have done so because they had a pre-existing inclination to do so. Without some mitigating argumentation, this leads to the conclusion that God must have created the man and woman with this inclination to partake of the tree of knowledge. Where else could such an inclination come from? Without some alternative line of reasoning, this leads to the conclusion that because God is the author of the inclination, He must also be the author of sin.[1] But this booklet has already indicated that an alternative line of reasoning exists. — As already implied, the inclination exists outside the moral-law leg of the natural law, because it exists in the endogenous leg. It's necessary for the miniature sovereign to take full responsibility for, and dominion over, the inclination. As surely as the miniature sovereign takes responsibility for his/her subconscious mind, for his/her conscience, for his/her endogenous being that gives rise to the inclination, and for his/her **physical** body, the miniature sovereign must take responsibility and dominion in regard to the inclination. But in spite of responsibility for all of that, all of that remains outside the moral-law leg. There is certainly a feedback loop between such endogenous inclination and the actual choosing that occurs within the moral-law leg. But the inclination nevertheless remains forever within the endogenous leg, even though there is a feedback loop across the border between endogenous leg and moral leg. Real sin can only arise out of the moral sphere because that's the sphere within which "free will" operates, and within which judgments are made about what's best on a continuum of choices. So Edwards' proposing this role for inclinations does not inherently point any accusing finger at God.

It's necessary to conclude that every choice is a function of inclination, where inclination begins outside the realm of consciousness. Among other things, the

1 This is not to say that Edwards ever claimed that God is the author of sin.

following quotes from Jonathan Edwards' **Freedom of the Will** show how these inclinations are the subconscious source of the human will:

> [T]he *will* (without any metaphysical refining) is plainly, *that by which the mind chooses any thing*. The faculty of the *will* is that faculty or power, or principle of mind, by which it is capable of *choosing* : an act of the *will* is the same as an act of *choosing* or *choice*.[1]

> I trust it will be allowed by all, that in every act of will there is an act of choice, that in every volition there is a preference, or a prevailing inclination of the soul, whereby the soul, at that instant, is out of a state of perfect indifference, with respect to the direct object of the volition. So that in every act, or going forth of the will; there is some preponderation of the mind, one way rather than another; and the soul had rather *have* or *do* one thing than another, or than not to have or do that thing; and that there, where there is absolutely no preferring or choosing, but a perfect continuing equilibrium, there is no volition.[2]

> It is sufficient to my present purpose to say, *It is that motive which, as it stands in the view of the mind, is the strongest, that determines the will …*[3]

> The choice of the mind never departs from that which, at that time, and with respect to the direct and immediate objects of that decision of the mind, appears most agreeable and pleasing, all things considered.[4]

> *[T]he will is always determined by the strongest motive,* or by that view of the mind which has the greatest degree of previous tendency to excite volition.[5]

Taking this as providing a reliable description of the act of willing, choosing, and exercising volition, every choice is made in accordance with the human's strongest

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1 Jonathan, Edwards; **An Inquiry into the Modern Prevailing Notions of that Freedom of the Will which is supposed to be essential to moral agency, virtue and vice, reward and punishment, praise and blame**, 1754. Reprinted by Soli Deo Gloria, 2011, Grand Rapids, Michigan. Part i, sect. i (p. 1 of Soli Deo Gloria edition).

2 Edwards, **Freedom of the Will**, Part i, sect. i (p. 5 of Soli Deo Gloria edition).

3 Edwards, **Freedom of the Will**, Part i, sect. ii (p. 6 of Soli Deo Gloria edition).

4 Edwards, **Freedom of the Will**, Part i, sect. ii (p. 13 of Soli Deo Gloria edition).

5 Edwards, **Freedom of the Will**, Part i, sect. ii (p. 15 of Soli Deo Gloria edition).

inclination. Worldview, life's agenda, range of choices, set of possible actions, pleasure, *etc.*, can all be understood to be variables that contribute to defining any given human's strongest inclination at any given point in time. No doubt there are other variables as well. But regardless of how many variables contribute to the calculation, there is a direct linkage between strongest inclination and actual choice. Worldview, life's agenda, range of choices available in a specific milieu, set of possible actions, and other considerations certainly contribute to any given cognitive decision to will one thing over another. Such cognitive decision, such will, is certainly on the moral-law side of this interface between endogenous inclination and morality. And it's certain that there must be a feedback loop between endogenous inclination and cognitive choice making. But in the final analysis, Edwards must be correct: "*It is that motive which, as it stands in the view of the mind, is the strongest that determines the will*".

So the mechanism by which God determines human choices is this mechanism of the strongest inclination. But the fact that theological determinism applies to human judgments, choices, and behaviors by way of such strongest inclination by no means makes God culpable for human choices. That's because humans still have "free will". According to the human perspective, which is limited to the natural law, every choice is made based on a continuum of options, and that continuum constitutes freedom in the secular sense of that word. Even though insanity may prevail in making people think that they can see things from God's perspective, ultimately, humans cannot. In the final analysis, humans are incapable of understanding themselves or other humans from the perspective of theological determinism because human knowledge is limited to natural law, and it cannot encroach upon or infringe upon that aspect of eternal law that is exclusively God's. All humans are limited to the perspective of the natural law. But transcending the realm of natural law is not necessary to having "free will". — According to Rothbard's description of it, humans have "free will", but because Rothbard is prone to metaphysical libertarianism, Rothbard's description is a long way from a definition compatible with theological determinism. Even though any given human choice is determined by the strongest inclination at the given time, and the strongest inclination is determined by God from utterly outside the human's realm of consciousness, Rothbard is still right in claiming that "the knowledge needed for man's survival and progress is not innately given to him or determined by external events". It's probably safe to assume that in claiming this, Rothbard was NOT including within the ambit of knowledge "innately given to [man] or determined by external events", knowledge that is eternally outside the human capacity to know. So Rothbard is right to claim that man "must use his mind to learn this knowledge". So Rothbard is right to claim that humans have "free will",

and his description of it is true, even though it's inadequate. So it's necessary to seek a definition that's not inadequate.

For the sake of defending compatibilism, it's important to see whether the definition of theological determinism given above is compatible with a vernacular definition of free will.

> free will — "**a.** the apparent human ability to make choices that are not externally determined **b.** the doctrine that such human freedom of choice is not illusory"[1]

The main requirement of definition "**a**" is that for the will / choice to be free, it must NOT be "externally determined". At least freedom from external determination must be "apparent", meaning that there must be an appearance of such freedom. On the other hand, according to "**b**", such freedom cannot be merely "illusory", meaning that if it's *apparently* free from external determination, but not really free from external determination, then that would not constitute genuine free will. So if God determines human choices and actions in such a way that it's impossible for humans to detect, then He determines such things in a way that is *apparently* not determined by anyone or anything other than the self-determining chooser. This would pass the criterion set in definition "**a**" for free will, but not the criterion in "**b**". So even though reason demands that God determines everything, and even though it can be extremely difficult for people to detect God determining any given choice, free will is compatible with theological determinism according to the criterion in "**a**", but not according to the criterion in "**b**". So even though it's practically impossible for secular skeptics to detect God's influence on any given human choice, a non-compatibilist might rightly claim that the definition of theological determinism allows choices to be "externally determined". The definition of theological determinism allows choices to be both "externally determined" and internally determined. This is because the eternal law is pervasive, and eternal law that is outside the boundary of natural law can operate both internally and externally to the human being to determine the human's choice, *i.e.*, to determine the chooser's strongest inclination. Reason and the Reformed hermeneutic combine to demand that this is so, "yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established" (WCF, 3.1). So because the Calvinistic compatibilist must necessarily concede that human choices are both internally and externally determined by God, albeit in this gentle manner, there may be a *prima facie* appearance that it might be necessary to concede also that humans don't have free will when free will is

1 **Collins English Dictionary – Complete and Unabridged**, 12th Edition 2014. — URL: http://www.thefreedictionary.com/free+will, retrieved 21 April 2016.

defined by vernacular definition "**b**". The definition of theological determinism is compatible with definition "**a**" because the external determination is non-detectable, and the external determination is therefore apparently non-existent. But because the Calvinistic compatibilist must insist that God determines everything, the non-compatibilist can easily claim that according to theological determinism, free will is merely an illusion. — If the compatibilist concedes that choices can be "externally determined" by God, then it appears that the compatibilist may also need to concede that humans don't have "free will", at least according to secular definition "**b**". By making such a concession, the compatibilist would be conceding that theological determinism and free will are not compatible, and he/she would thereby cease being a compatibilist. So before making such a concession, it's important to consider more thoroughly why free will is important.

The reason free will is important to the defender of Calvinistic compatibilism is because historically there has been a relationship recognized by philosophers and theologians between free will and moral agency. The historical argument has been that if humans lack free will because their choices are externally determined rather than self-determined, then they cannot be held morally accountable. If they are externally determined, then they are automatons. This means that whoever created the automaton, programmed it, wound it up, and set it in motion, is morally responsible for whatever the automaton may do or say, not the automaton. The automaton is not responsible and is not morally accountable for its actions. To ensure that humans are accountable for their actions, they cannot be classed with automatons. For this reason, the doctrine of free will is important to the Calvinistic compatibilist as a necessary mechanism for ensuring that humans are morally accountable.

By establishing that will and choice are the same thing, and that strongest inclination is the motive force behind every choice, Edwards essentially showed that human choices are not "externally determined". He showed that they are internally determined. That is certainly a major coup on the compatibilist's side of the argument, and on the side of defending humanity's moral accountability. But because it's already established that God, being omnipotent, is capable of determining human choices by whatever means He chooses, including either externally or internally, it's important to explore more thoroughly the difference between being internally determined versus being externally determined.

If someone approaches someone else on the street, sticks a gun in the other person's face, and says, "Your money or your life", then according to some people, the victim's response to the threat is externally determined and not internally determined. But according to Edwards' strongest-inclination rule, the victim's choice is still internally

determined. The victim could think, "I've been wanting a good day to die. Thank you, Lord, for sending this man here so I can tell him, No." Someone who believes that survival of the physical body is everything is certainly not going to think that. But this scenario shows that even when one's options are narrowed by circumstances, one's options are never narrowed to one or none, as long as one is capable of thinking and acting. This victim had two choices. He could either comply with the armed robber, or not. Regardless of whether the victim chooses to comply or not, his/her choice is internally determined. It is never externally determined except in the sense that God determines everything.[1] God determines everything both internally and externally, but the human capacity to choose is not "taken away, but rather established". It is established that human choices are determined by endogenous inclination. This has huge implications for moral agency. The reason moral agency is important, even though God determines everything from beyond the realm of natural law (and often does so through secondary causes within the realm of natural law), relates directly to the distinctions between eternal law, natural law, and human law.

As already indicated, the distinction between eternal law and natural law is important to the doctrine of free will because God can determine human choices from outside the realm of natural law, and therefore from outside the realm of human consciousness. But in the final analysis, the reason external determination has been important to the definition of free will has little to do with the distinction between eternal law and natural law, and it has everything to do with the distinction between natural law and human law. As indicated in Romans 1, people are prone to reject God. They do this because of inclinations within the endogenous leg of the natural law. But those endogenous inclinations are influenced by their covenant with Satan, which is a function of the moral-law leg. Through contracts with nihilistic forces, people blame anything and everything outside themselves for their problems while suppressing the fact that God is omnibenevolent, and even God's wrath is a good thing. This is one reason for the focus on external determinism. Through their covenant with the serpent, people are prone to blame anyone and everything outside themselves for their plight, rather than to take full responsibility for it. This reason

1 If a person goes comatose, insane, or cognitively incapacitated by some other means, then that person ceases to be able to make choices in the normal sense of that word. He/she thereby ceases, at least while in that incapacitated state, to be able to exercise free will. He/she therefore ceases to be able to act as a moral agent. Humans are conceived in this incapacitated state and only grow out of it gradually. See Porter, **A Memorandum of Law and Fact Regarding Natural Personhood** for more about the difference between people with capacity and people without capacity. — URL: http://BasicJurisdictionalPrinciples.net.

for dodging responsibility can be called the "blighted-conscience" motive. The other overriding reason external determinism has been important in the definition of free will is because of human meddling in other people's lives. This latter reason exists within the realm of biblically prescribed human law, which is a subset of natural law, while the blighted-conscience reason exists within the realm of natural law exclusive of human law.

Because of the historical failure to properly parse the jurisdictions of church and state, and because statism has been the default in Christendom for millennia, people have often been abused in the name of the state, in the name of the Church, in the name of Christ, and in the name of God. Wherever such acts have been unjust, they have profaned God's name, His ways, and His visible Church. In the process there has also been a propensity among the victims to conflate God, His ways, His visible Church, *etc.*, on one hand, with human bad actors, on the other. There is a tendency for people whose natural rights have been abused to be confused about the proper boundaries of free will. Those confused people therefore blame God for violating their free will, rather than blaming who is genuinely culpable. — Moral responsibility for humans exists on basically two fronts: (i)People are morally responsible for NOT putting themselves in conformity with natural law. This moral responsibility is evidenced by the fact that people die, and people suffer as a result of such disconformity. (ii)People are morally responsible for NOT putting themselves in conformity to biblically prescribed global human law. Proof that this latter kind of moral responsibility exists will be shown when this **exegesis** reaches the Noachian covenant. — Human bad actors fall naturally under the jurisdiction of biblically prescribed human law. Such human actors do not determine other people's choices in the thorough way that God does, but they do influence other people's choices in the way an armed robber does. The free will versus determinism debates have been heated in the past largely because of this conflation of jurisdictions, and failure to properly distinguish law types. So in addition to the core issue of suppressing God's truth via blighted conscience, which is accompanied by blaming external people and events to avoid taking full responsibility for one's circumstances, this core of blaming externals is compounded by other people actually giving good reasons to blame them. — In short, the thought that some foreign entity could be operating internally to cause a person to choose a certain way has never been taken seriously, even in the face of classical stimulus-response conditioning. Such conditioning still originates externally. So God operating from beyond the realm of natural law to cause human choice is not really an impediment to the existence of free will or moral agency. Nevertheless, there is a need for a definition of free will that carries the weight of moral responsibility while not focusing on external influences. Under biblically prescribed human law, the focus on external influences may be legitimate.

But under natural law exclusive of human law, there is really no valid place for a focus on external influences in the definition of free will. The definition of free will, like the definition of libertarianism, should be recast into two definitions. Similar to the way libertarianism must be parsed into metaphysical libertarianism and jurisprudential libertarianism, with two different and separate definitions, "free will" should be parsed into metaphysical free will and jurisprudential free will. Definition of metaphysical free will is needed within this discussion of compatibilism, and definition of jurisprudential free will can wait until **exegesis** of the Noachian covenant.

> metaphysical free will — the human's ability to take full moral responsibility for his/her choices, where morality is defined as degree of conformity to the moral-law leg of the natural law.

Under this definition, external determination is not an issue. On the contrary, true freedom lies in complete conformity to natural law, not in maximizing choices or being free from external pressures. As long as one is alive, one has external pressures, and one either responds to those pressures in conformity to natural law, or not. Said another way, one either responds to those pressures in a way that contributes to the long-range plan of moving into the New Jerusalem, or not. Accepting one's natural disabilities as a miniature sovereign is necessary to being free. — Because humans are incapable of knowing all the causative factors that determine their choices, whenever God is left out of the picture, humans appear to have a non-deterministic form of freedom within their decision-making processes. But the focus of this kind of God-less freedom is still on eliminating external influences. True freedom is not focused on eliminating external influences, but on being conformed to the natural law. Freedom defined as conformity to natural law is the kind of freedom that is inherent in miniature sovereignty. Human free will is not an illusion that humans have. It may always look non-deterministic because humans can NEVER know enough to see every human's will as determined by specific, identifiable causes. But acceptance of the fact of moral accountability to God is a bridge between appearance of non-determinism and the fact of theological determinism. — Regarding morality, the capacity to think and act pertains to things that one can actually control, or at least influence, through one's choices. It does not pertain to mere bodily functions that are outside one's control. Presumably, under the regimen of "preternatural powers", there were no bodily functions that were outside one's control. So this inability to control one's bodily functions is a function of the fall.

Under Edwards' strongest-inclination rule, all choices are internally determined. The place of "apparent" in the secular definition, along with concerns about whether "human freedom of choice" is "illusory" or not, is eliminated from this definition

because it's understood that God determines all things, but when it comes to human moral agency, His causation originates from outside the realm of the human capacity to know. This does not mean that human free choice is illusory or merely apparent. This is because human freedom, at least in this metaphysical arena, is not about lack of compulsion. Freedom should be defined as choosing conformity to the full range of the natural law, not as the ability to choose stuff that generates mal-conformity to the full range of the natural law. Lack of noticeable compulsion is a poor measure of what it means to be free in the metaphysical arena. What is crucial in this metaphysical arena is whether one is conformed to natural law or not. The more out of conformity to natural law one is, the more in bondage one is. The more conformed to natural law one is, the more free one is. Although environmental circumstances can certainly limit one's choices, since a limited range of choices is presented to the individual by any given environment, such external circumstances do not determine one's choices. They merely limit the range. But even in dire circumstances, as long as a human being can think and act, he/she has at least two options within the metaphysical arena. Making a choice while taking full moral responsibility for that choice, and not blaming anyone or anything else for the consequences, is proof that one has the freedom of human choice. The most unencumbered and unimpeded one can be is in being utterly conformed to natural law. But this is not something that can be achieved through force of will, *i.e.*, forced (meaning to force oneself) choosing. It can only be achieved through God's grace. This is because the human will, *i.e.*, the human propensity to choose, is warped because of the contract with the serpent. One should naturally want to live and act in conformity to natural law. To do otherwise is unnatural.

Any given choice is a function of the strongest endogenous inclination. Strongest endogenous inclination is a function of at least four things, (a)needs and desires arising out of the endogenous leg in general, (b)a feedback loop between the endogenous replication of exogenous objects and the endogenous inclination, (c) a feedback loop between the endogenous replication of exogenous objects and the moral-law leg, and (d)a feedback loop between moral consideration in the moral-law leg and the endogenous inclination. So in some respects, because of the replication of exogenous objects, the strongest inclination is a function of both internal and external forces. But in the final analysis, both the strongest inclination and the final decision is internal. There really is no external determination when God's influence is removed from consideration, only a range of options presented by the given milieu.

All humans have a choice in whether to employ reason or not. God is ultimately sovereign over that choice. But humans are immediately responsible for it. By way

of a creation ordinance, humans have been given the task of taking dominion over that choice. To refuse to employ reason and knowledge in choice making is to refuse to be what God has created every human to be, a miniature sovereign. This shows that the ultimate exercise of human free will entails the deliberate choice to be a miniature sovereign in the fullest sense possible. This encompasses Rothbard's definition of free will without falling prey to the fallacies inherent in metaphysical libertarianism.

The fact that every human "is by nature free to employ or not to employ … reason – i.e., that he[/she] has free will", implicitly indicates that every human has the capacity to sin, to miss the natural-law mark, to set oneself at odds with God. So every human is a moral agent, an agent of the moral-law leg of the natural law. No one can violate laws of nature / natural law. But one CAN choose non-conformity to natural law, which is precisely why people die. But human beings were geared at creation to live in complete conformity to natural law, which means that natural inclinations naturally predispose every human to choose such conformity. Such conformity is where humanity's greatest pleasure and enjoyment lies.[1] But knowledge about how to implement that deep-seated inclination is necessary because humans are cognitive creatures. As long as such knowledge is missing, humans are prone to have the feedback loop between endogenous inclination and cognitive view go awry, and out of synch with natural law. This universal propensity relates directly to the global covenant with the angel of appearances. — Within the garden, Adam and Eve had the knowledge about how to implement their inclinations as long as their desires and inclinations could be met via exogenous objects within the garden. When such inclinations ventured towards something outside the garden, they lacked the knowledge, and therein lies their fall, and therein lies their pre-cognitive contract with *HaSatan*. The feedback loop between endogenous inclination and cognitive view went awry and out of synch with natural law because they lacked the knowledge pertinent to the out-of-the-garden milieu. Eating off the tree of knowledge was their introduction to this feedback loop gone awry.

Given that humans were originally geared for eternal life through complete conformity to natural law, eternal life is a crucial aspect of every human life's aim and agenda, even in the fallen condition. All the physical evidence shows that all humans die, which means that all humans miss what their life is aimed at under the jurisdiction of the creation covenant, which means that all humans sin. The existence of sin inevitably entails the existence of actions that are not good enough,

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1 Westminster Shorter Catechism, "Q. 1. What is the chief end of man? A. Man's chief end is to glorify God, and to enjoy him forever." — URL: http://www.reformed.org/documents/wsc/, retrieved 24 March 2016.

which inevitably entails the existence of decisions to choose that are not wise. All this leads to the conclusion that there is a causal relationship between morality, on one hand, and death, on the other. According to the biblical worldview, humans were programmed at creation to occupy a specific ecological niche, the garden, and they had a specific range of choices within that niche, and they were thereby given a specific aim in life. But humans were called, and given the innate desire, to operate in a larger ecological niche, "all the earth". So humans fell out of their original ecological niche, and they've been missing the mark ever since. This propensity to sin, this inclination to miss the mark, has become a defining feature of the human condition. So humans have a capacity for eternal life, for never missing the natural-law mark, for never sinning, but they also have a propensity to miss the mark that they cannot overcome through their own devices. Humans presently occupy a peculiar, limbo ecological niche in which their perceptions, choices, and actions are too flawed to allow them entrance into their natural ecological niche, the New Jerusalem, even while they have a potential for occupying their natural ecological niche that's overwhelmingly hampered by their bad perceptions, choices, and actions.

The rule in fallen nature is that organisms do whatever they can to sustain themselves for as long as they can, and then they die, meaning that they dissipate and disintegrate. No matter what kind of organism it may be, the organism dissipates because the organism fails to process input in such a way as to avoid dissipation and disintegration. Death, dissipation, and disintegration are common to all organisms in nature, regardless of whether they are human, animal, vegetable, or micro-organismic. In some respects, all these organisms follow the same rule. The rule is that none of these entities is permanent, and the reason for the lack of permanence revolves around a failure by the organism to process exogenous inputs in such a way as to respond in a way that enables and perpetuates the life of the organism. The disconnect between endogenous needs and desires, on one hand, and exogenous inputs, on the other, leads to the organism's demise. In the case of a tree, the tree fails to put up whatever defenses are necessary and sufficient to enable the tree to continue living. It becomes diseased and dies, or succumbs to a saw, or fire, or whatever. Similar failures exist among animals. According to all natural appearances, similar failures exist among all humans. But according to the biblical worldview, humans are an exception to this process of dying because humans were originally designed for eternal life, meaning that unlike all other creatures, they are capable of ***knowing what they need to know when they need to know it, so that they choose what they need to choose when they need to choose it, so that they do what they need to do when they need to do it, where need is defined in terms of complete conformity to the natural law***. Because of this capacity for eternal life,

the human soul does not disintegrate the same way organisms in the animal and plant kingdoms do.

(iv) Conclusion

Now that this background work has been done in the previous three subsections, it's possible to return to interpreting Genesis 3:1-6. To keep the sub-covenant with the serpent in perspective, it's important to keep its most basic presentation in Scripture in its literary context.

> 1 Now the serpent was more crafty than any other beast
> of the field that the Lord God had made. He said to
> the woman, "Did God actually say, 'You shall not eat
> of any tree in the garden'?"
> 2 And the woman said to the serpent, "We may eat of
> the fruit of the trees in the garden,
> 3 but God said, 'You shall not eat of the fruit of the tree
> that is in the midst of the garden, neither shall you
> touch it, lest you die.'"
> 4 But the serpent said to the woman, "You will not surely
> die.
> 5 For God knows that when you eat of it your eyes will
> be opened, and you will be like God, knowing good
> and evil."
> 6 So when the woman saw that the tree was good for
> food, and that it was a delight to the eyes, and that the
> tree was to be desired to make one wise, she took of
> its fruit and ate, and she also gave to her husband who
> was with her, and he ate.
>
> (Genesis 3:1-6; **ESV**)

When this passage says that "the serpent was more crafty than any other beast of the field", it's clear that this is true within the context of the preceding three subsections because the serpent was the archangel with jurisdiction over coordinating appearances and reality. When the serpent said to the woman, paraphrasing, *Did God* REALLY *say, "You shall not eat of any tree of the garden"?*, it's clear that it was a leading question. It's clear, based on the fact that it's a leading question, that the serpent had already started falling from the original heights of being created "very good". The leading question contains an insinuation that God makes overbearing demands and unreasonable prohibitions. When the woman responded to the serpent's question by saying, "We may eat of the fruit of the trees of the garden, but God said, 'You shall not eat of the fruit of the tree that is in the midst of the garden, neither shall you touch it, lest you die'", she indicates that she has also already started falling. Similar to the way the serpent asked a leading question, the woman responds with a warped answer. This

is evident via the fact that there were two trees in the mist of the garden, and not just one. The fact that she is emphasizing the prohibited tree indicates that she is taking the other tree for granted, and focusing only on the prohibition. The tree of life has faded in significance, and the tree of knowledge has acquired a mystique by way of the prohibition. The mystique is apparent via the phrase, "neither shall you touch it". Genesis 2:17 doesn't say anything about touching it; so when the woman says this in her answer, she's exaggerating. It's certain that entertaining that tree in any way was a prescription for disaster, but the fact that she was exaggerating shows that she was already entertaining it. The "lest you die" phrase combines with the exaggeration to show that in the woman's mind, the tree had acquired a deadly mystique.

If there was only a hint at the serpent starting to fall by way of his leading question, his follow-up statement leaves absolutely no doubt. He boldly lies to the woman, saying, "'You shall not surely die'". This is manifest falsehood showing that the serpent's preference for appearances over wisdom was reaching a status-changing climax. The serpent mixes this lie with truth, precisely what one would expect from an entity dedicated to deception. The serpent says, "'God knows that when you eat of it your eyes will be opened'". Given that the narrator in verse 7 says, "the eyes of both were opened", it must be true that their eyes would be opened through eating from that tree. But opened to what? Opened how? Opened relative to what? In verse 5, the serpent says that opening will make them realize that they are "like God, knowing good and evil". But in verse 7, the narrator says that opening made them realize that they were both naked. — Clearly, eating would cause their eyes to be opened to the full range of choices under the natural law. But there is a difference of opinions about what the consequences of that would be. The serpent says one thing, and the narrator says something else.

When the serpent said, "you will be like God, knowing good and evil", that was more truth mixed with lies. They would in fact acquire God's communicable attribute of knowing good and evil. But they would not be like God in knowing all good and evil. It would be much more knowledge of good and evil than they had in the garden, but not the entirety of such knowledge. They would be more like God, but not entirely like God, because they are localized in space and time, and God is not. So unlike God, humans are limited to knowing what they need to know when they need to know it. But this is not the core distortion in the serpent's enticing mixture of truth and falsehood. The core distortion is in what he neglected to say, rather than in what he said. He neglected to tell them that they would cease having access to the tree of life. They naturally wanted to believe they could have access to both trees at the same time. Like every con man, he played on what he knew they really wanted, and neglected to tell them the real price for it. Through this

confidence game, he enticed them into a contract with him. In verse 6, the people decided to buy what the serpent was selling.

The conversation prior to verse 6 is an offer feedback loop. The serpent is trying to sell them on entering into a contract with him. Through deceit, he was selling the idea that he is a source of truth rivaling God. Without telling them the full story, he was enticing them into surrendering their "preternatural powers" and their uncorrupted minds to him, thereby accepting him as an at least partial substitute for God. What do they get in return? The God-like attribute of knowing good and evil. They entered into this covenant with Satan when "she took of its fruit and ate, and she also gave to her husband … and he ate." So verses 1-5 are the offer, and verse 6 is the acceptance. Humanity's ongoing covenant with Satan contains the consideration. The consideration that the humans would give to Satan was that they would pledge their allegiance to him, and glorify him. So through this sub-covenant, Satan is exalted, sin and evil are pervasive in the human environment, and all humans are conceived with death as their fate.

Sub-Chapter 2: Regarding Verses 7-13: Advent of Shame

The first symptom of the people's fall was the onset of shame. Genesis 3:7 says that "the eyes of both were opened". Rather than revealing that they were more God like, their newly opened eyes revealed that there was something that they needed to be ashamed of. Eating the tree's fruit apparently stripped them immediately of their "preternatural powers" and their uncorrupted minds. The "noetic effects of sin" started setting in, and they realized that they were naked without those powers, and without their uncorrupted minds. They covered their crotches with fig-leaf loincloths to hide their most vulnerable parts. When they realized that God was looking for them, they hid (v. 8). Before eating from the tree, they were living *coram Deo*, before the face of God, without shame, and without any reason to hide. After losing their powers and their clear consciences, they were too ashamed to be in God's presence. Because God's holiness and perfection would reveal every flaw and imperfection in their existence, they wanted to hide. The veil mentioned in Isaiah 25:7 had descended upon them to cover their existence, and they wanted to hide from the truth to keep from being exposed. God called to them, "Where are you?", as if He didn't know (v. 9). This question is proof that God accommodates His communications with humans to the latter's capacities. The man responded to the question by indicating that he had hidden himself because he was afraid and naked (v. 10). So in addition to being ashamed, he was also afraid of being exposed.

He was then afraid of living *coram Deo*. After further questioning, the man admits that he had eaten from the tree, and he blames the woman for setting him up (v. 12). Adam says, in essence, *God, you gave me a bad woman. She made me do it.* When God says to the woman, "What is this that you have done?", the woman also responds by passing the buck (v. 13). She admits that she ate off the tree, but she blames the serpent for deceiving her. She says, in essence, *The devil made me do it.* The people could not acknowledge that they had violated the terms of the covenant. They certainly showed no remorse for it. Instead, they played an infantile game of passing the buck and pretending to be innocent. This is precisely the opposite of engaging as miniature sovereigns.

The fact that after eating from the tree, they were ashamed, shows what kind of change their eating caused. Whereas before, they had unimpeded access to the **Spiritual** field of perception and action, their eating caused this access to cease. It's reasonable to understand that God sought them out for a talk for the sake of communicating to them the nature of their newly acquired status. Their perception of the **psychic** field had changed even before that, evidenced by the fact that they were no longer perceiving the serpent as "very good", but as deceptive and devious. They lost the ability to see into the realm of warfare between good and evil without being negatively impacted by it. Their perception of the **physical** field of perception and action also changed immediately, evidenced by the fact that they noticed that they were naked. They were naked before, but were not ashamed (Genesis 2:25). Now they noticed for the first time that they were naked. They noticed that their respective **physical** abilities and disabilities changed. The trust of each that the other would cover the demands created by disabilities was diminished. They needed to cover themselves so that their disabilities and frailties were not so obvious. So "they sewed fig leaves together and made themselves loin coverings" (v. 6; **NASB**). Not only was each ashamed of having his/her disabilities on open display before the other, but they were also afraid of having such disabilities viewed by God. So they "hid themselves" from God (v. 3:8).

Having eaten from the "tree of the knowledge of good and evil", they had apparently breached the Edenic covenant.[1] They had failed to fulfill that covenant's

1 To understand the full bounds of God's mercy towards humans – relative to the terms of the Edenic covenant – it helps to understand that the meaning of "in the day that you eat from it you will surely die" (Genesis 2:17; **NASB**) includes the fact that He was fully justified in totally destroying the human race when this term of the covenant was breached. If He had rendered justice instead of mercy, He would have utterly destroyed the race. So contrary to what some people believe, God was not merely talking about a "spiritual death" in Genesis 2:17, a death that would leave the body and mind still alive. In the sight of

obligations. So under the law, the penalty of the Edenic covenant needed to be executed against these parties who had violated it. The penalty was certain death. — The people had perpetrated this violation of the Edenic covenant by entering into an illicit compact with the cherub of appearances. The compact was illicit because it was perverse from the perspective of eternal law. It converted creatures that were conformed to eternal law into creatures that were in fact not in conformity with eternal law. Because the illegality in a contract makes the contract illegal, it is grounds for nullifying the contract. But if the parties lack capacity to nullify the contract, then the contract will continue for as long as the lack of capacity exists. This is precisely why the human race is still generally under the curse. Humans lack the **Spiritual** capacity to void the covenant with Satan, because humans lack the perceptual capacity to recognize all the ties that bind them into that covenant. Proof that this is true lies in the fact that all humans die. All humans die **physically**. But because humans have the capacity for eternal life, after **physical** death, they continue living **psychically** and/or **Spiritually**, depending upon how God chooses to dispose of them. Since the fall, humanity receives grace from God's judgment seat. He chooses to have mercy on humans, dispensed as He sovereignly sees fit. Grace cannot exist in a vacuum. Without law, it does not exist. It is, by definition, an alternative to execution of a penalty. Penalties do not exist without law of some kind.

Sub-Chapter 3:
Regarding Verses 14-15:
The Curse on the Serpent and the Proto-Evangel

Verses 14&15 contain God's formal and explicit modification of the serpent's legal status. In verse 14, God told the serpent that because he had deceived the people, God was thenceforth allocating the serpent into the cursed status. The serpent, being a metaphorical representation of *HaSatan*, the enemy, the archangel of appearances and deception, would from then forward be cursed "above all livestock and above all beasts of the field". Translating the metaphor, the archangel of appearances was from that time forward cursed more than any living thing. Translating "on your belly you shall go, and dust you shall eat all the days of your life", the archangel of appearances would from that time forward be the universe's most despicable lowlife.

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a Holy God, justice would require total death, death of the body, death of the soul, and death of the spirit. In His mercy, God sovereignly chose to mix mercy with justice, instead of rendering pure justice. This is one of the reasons this is called the "covenant of grace".

Verse 15 is one of the most important verses in the Old Testament. In it, God told the serpent, "I will put enmity between you and the woman, and between your offspring and her offspring; he shall bruise you on the head, and you shall bruise his heel." Translating this out of the metaphorical sphere: Because the people's sub-covenant with *HaSatan* was incompatible with their covenant with God, from then forward there would be warfare between good and evil, and the humans would be in the middle of that battlefield. This is largely a war for humanity's ontological existence against forces in favor of nullifying humanity's ontological existence. The humans, in their moments of genuine sanity, are with God, and with their own ontological existence. God is clearly on the side of their ontological existence. — There's nothing particularly surprising about the perpetual existence of this war, because it is implicit in the co-existence of the Adamic covenant and the sub-covenant with Satan. There's also nothing particularly surprising about the enmity between the people and the serpent, and between the offspring of the people and the offspring of the serpent.[1] But what's surprising about 3:15 is the reference to the woman's offspring as "he", rather than as *they*.[2] People who are following the Reformed hermeneutic in reading this passage know that the woman's offspring, "he", refers to the second Adam. The second Adam will "bruise" the serpent's "head", meaning that He will do permanent damage to the serpent.[3] In return the serpent will merely "bruise his heel", meaning do damage to the second Adam from which He will certainly recover. It's saying the Messiah will be resurrected from this wound.

Genesis 3:15 is inherently prophetic. It is the first appearance of the gospel in a chronological reading of the Bible. In Reformed circles, it's usually called the "proto-evangelium" or "proto-evangel". The proto-evangel is well addressed by orthodox Reformed theology's expositions of the covenant of grace, so going into a detailed exposition of it here would be redundant and would be outside the scope of

1 It may be surprising to discover that the metaphorical serpent has metaphorical offspring. There is little or no evidence in Scripture to indicate that angels reproduce; so there's scant evidence to indicate that the serpent's metaphorical offspring are truly offspring. It's much more likely that this metaphor refers to the legion of minions that operate under the authority of the archangel of appearances.

2 This is very similar to the situation in Galatians 3:16, in which Paul speaks of the promises to Abraham. Paul says that the biblical author "does not say, 'And to seeds,' as *referring* to many, but *rather* to one, 'And to your seed,' that is, Christ." (**NASB**)

3 It's reasonable to simultaneously interpret this as damage to Satan's headship over the people.

this booklet. Nevertheless, because the proto-evangel is so important to the proper reading of the Bible, this booklet will here give a brief synopsis of its implications.[1]

All of the chronological unfolding of Scripture, meaning of both the Old and New Testaments, can be understood to be a series of footnotes to Genesis 3:15. Understanding the depth and breadth of this verse makes it possible for the Bible student to go anywhere in Scripture and see the connections between this verse and the gospel as it appears in the New Testament. To grasp the depth and breadth, it's important to notice that there are seven principles embedded in Genesis 3:15: (i) the "conqueror principle", (ii)the "seed principle", (iii)the "sacrifice principle", (iv) the "covenant principle", (v)the "truth principle", (vi)the "rest principle", and (vii)the "participation principle". All of Scripture subsequent to Genesis 3 relates to one or more of these seven principles.

(i)The conqueror principle: The conqueror principle is an extension of the take-dominion creation ordinance. But this conqueror principle shows that the core mechanism by which dominion is to be achieved after the fall is not through humanity's "works of the law", but through the Messiah's "works of the law". The dominion creation ordinance is to be pursued through the victorious actions of the Messiah, who is the same as the New Testament's Savior, Jesus Christ. The final conquest of Satan, the final crushing of the serpent's head, will be at Christ's hands (Revelation 20:7-10). Between Genesis 3:15 and Revelation 20, wherever conquest exists by God's people, the leader of that conquest is the woman's seed.

(ii)The seed principle: The word translated to "offspring" in the **ESV** (*zera*, Strong's #2233) is usually translated to "seed" in other translations. Because there is warfare between the woman's offspring and the serpent's offspring, there is warfare between the woman's seed and the serpent's seed. The seed (offspring) principle can also be seen throughout the rest of Scripture, but it appears prototypically in the Abrahamic covenant, which is the first covenant in the Bible's system of local covenants (as distinguished from global covenants). In the Abrahamic covenant, God promised to Abraham that through Abraham's seed, all the nations of the earth would be blessed (Genesis 22:18). The context of this verse in the Abrahamic covenant clearly indicates a multitude of offspring, but it's also clear that the leader of Abraham's offspring is God, even the second Person of the Godhead, who is the same as Messiah Jesus Christ. This blessing through Abraham's seed, and the

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1 The fundamental thrust of these ideas appears in a teaching session by Sinclair Ferguson ("Emmaus Road Preaching") at Ligonier Ministry's 2008 Pastor's Conference. But if there are any errors in this synopsis, they are the fault of this booklet's author, not of Ferguson. — URL: http://www.ligonier.org/learn/conferences/pastors_conference_2008/emmaus-road-preaching/?, retrieved 27 May 2016.

woman's seed, leads eventually to the complete reversal of God's curse on the elect among Adam and Eve's descendants. Evidence that Abraham's seed would bless the nations also appears in Psalm 2, where God expresses to His Son that He would gladly make the nations His heritage, and the ends of the earth His possession. It also appears in the "Great Commission" in Matthew 28:18-20.

(iii)The sacrifice principle: When the prophecy indicates that the serpent would bruise the woman's offspring on the heel, it indicates a sacrificial suffering for the sake of redemption and salvation of others. This is another motif that can be seen throughout the remainder of Scripture. By following the typology of this principle through the Old Testament, one can see the connection between the proto-evangel and the gospel, for example, in passages like Isaiah 53.

(iv)The covenant principle: In contracts there are benefits and obligations, give and take, awards and punishments, blessings and cursings. Because biblical covenants are types of contracts, the same is true for such covenants. In some respects, one can see the people's eating off the banned tree as a breach of the Edenic covenant. But even if it's a breach, it's more accurate to see their violation of the terms of the Edenic covenant as covered by the blessings and curses stipulated in that covenant. In fact, the serpent, the man, and the woman were each cursed as part of the execution of the Edenic covenant. These curses each indicate separation from God. The people were separated from the land that God had given them, excommunicated from the garden. This blessing and cursing is part of the warfare. Wherever blessing and cursing are seen in Scripture, this covenant principle is in operation.

(v)The truth principle: A major part of the warfare between these respective offspring is a battle between truth and falsehood. The people fell because they believed the serpent's lie. They started suppressing the truth in unrighteousness (Romans 1:18) at that time. This is another motif that can be traced from Genesis 3 throughout the remainder of Scripture.

(vi)The rest principle: The Messiah's bruising of the serpent's head points to the Messiah's victory over the serpent and his minions. At the completion of this victory, when the multitude of God's people thoroughly reinforce the Messiah's victory, God's people will rest. When the war is won, there is peace and rest. Then everything will again be "very good". This is also a motif that can be followed throughout Scripture, visible in places like the continued keeping of the Sabbath.

(vii)The participation principle: All who are in the multitude of God's elect participate in the warfare led by their *Meshiach*. The people of God experience union with Christ in conflict and victory, even in death and resurrection. The

people's participation in all of this warfare is another motif that can be followed to the end.

There is only one "alpha male". He is the Alpha and the Omega. There is only one "alpha female". She is the Bride of Christ without spot or wrinkle. Any human pretense to there being any other alpha male or female is a challenge to this essentially Christian worldview. It is essentially pitting Social Darwinism against biblical Christianity. The concept of alpha males and alpha females arises out of study of animal behavior, in which it has been noticed that animal societies form "pecking orders". For any human to assume that such pecking orders exist in Christendom is for that human to assume that he/she is merely an animal, and that Christendom is merely a society of animals. The fact that the one and only Alpha male came as a servant should dispel that misconception forever. There is certainly order within Christ's Bride, but it is order based on His headship, starting with the proto-evangel, not on Darwinian eugenics.

Sub-Chapter 4: Regarding Verses 16-19: Curse on the People and on the Ground

In Genesis 3:16a, God tells the woman, "I will surely multiply your pain in childbearing; in pain you shall bring forth children." Presumably, if she had gotten pregnant while still having "preternatural powers", then she would not have had such pain in childbirth. This is clearly another explicit amendment to the Edenic covenant. It can also be understood to be a penalty executed under the auspices of the Edenic covenant.

In 3:16b, God tells the woman, "Your desire shall be for your husband, and he shall rule over you." The Hebrew translated to "rule over" in the **ESV** is a different verb from the Hebrew translated to "have dominion over" in verses 1:26&28. Nevertheless, the concept is largely the same. As already indicated, this concept leads to the concept of property. In this verse, God is essentially telling the woman that her husband would from then forward treat her like his private property, as his **secondary property**, being an extension of his **primary property**. She will have natural conjugal desire for her husband, which will include a desire for him to treat her like a human being, made in the image of God, but he will treat her like property instead. By recognizing this curse, God acknowledges that men will be prone to treating women like property. If all human beings have a distorted view of **physical** reality via the fall, then it stands to reason that all humans would have a distorted view of each other's **physical** bodies. God acknowledges that males will tend to

manifest this distorted perception by treating their wives as their property. For one person to treat another person as their property requires a somewhat deliberate ignorance of the fact that the other is created in the image of God, and is therefore endowed with certain unalienable rights.[1] This curse, this institutionalized penalty against the woman, is another explicit amendment to the Edenic covenant. It says that the man will have difficulty in recognizing the *imago Dei* in the woman, and the woman will suffer for it. It's important to recognize in passing that this "rule over" term is descriptive of the woman's new legal status. There is no evidence that it is prescriptive, in the sense that it prescribes (as some mistakenly claim) that men should abuse women.

After describing to the woman what her new legal status in creation would be, God shifts His focus to the man. God starts piling penalties on the man. God says the reason He's piling these penalties is "Because you have listened to the voice of your wife" (v. 3:17). Is this an indication that men should not listen to women? — That would be totally missing the point. This whole passage is about humanity's fall into idolatry. By exalting the words of the cherub of appearances above the words of God, they have set up an idol, for the first time, valuing the creation more than the Creator. The root cause of all these penalties is that the man and the woman listened to the creature, valuing it, rather than listening to the Creator. This is saying, in effect, that the man paid too much attention to the views of another person, and too little to his private conscience. — The people in the garden were hungry for the fruit of the "tree of the knowledge of good and evil". They lacked views required to say "No!" to *HaSatan*. The woman listened to the cherub, and valued what he said more than what God said. The man listened to the woman, valuing what she said more than what God said. So when God says, "Because you have listened to the voice of your wife", He's saying, "Because you valued the creation more than the creator".

The first new penalty for the man, *i.e.*, the first penalty that amends the Edenic covenant, with regard to the legal status of the man, is "cursed is the ground because of you" (v. 3:17). The context leads to the conclusion that "ground" here refers to something much more comprehensive than merely the dirt. God is essentially telling the man that even the environment that the man lives in is cursed because of the man's breach of the covenant. Translating the metaphorical "ground" into the *sensus literalis*, it must mean the background for humanity's existence, which is the same as their environment. Their environment changed from the garden of Eden to an environment in which, "in pain you shall eat of it all the days of your life" (v. 17). In

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1 The exception to this is guardian-dependent relationships like those between parents and children. See Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

other words, all of **physical** creation and part of **psychic** creation is cursed because of the man's breach. This includes the man's **psychic** and **physical** perception. In this kind of milieu, the man would toil all the days of his life for sustenance. Under this amendment to the covenant, the man will live a life of toil and sweat. He will "eat the plants of the field", instead of from the trees of the garden.

The next amending term is that the man will – after living this life of toil and sweat – "return to the ground" (v. 3:19). The man was created from dust. Rather than living forever, he will return to dust.

These four verses contain amendments to the Edenic covenant. Each is implemented as an aspect of God's execution of the death penalty of the Edenic covenant. Each is therefore a condition of humanity's continued existence. These conditions allow the human race to propagate, even though the certainty of every human's death is still fulfilled, as a sure term of the Edenic covenant that's applicable 'til the end of the age. These conditions allow human beings to be born, to live, to propagate, and to die, generation after generation, remaining **Spiritually** dead throughout. This cycle of perpetual **Spiritual** death is interrupted only when *Meshiach* sovereignly intervenes to redeem an individual from certain death (John 14:6; 10:9).

Verse 19 deserves reiteration:

> "By the sweat of your face you shall eat bread, till you return to the ground, for out of it you were taken; for you are dust, and to dust you shall return."
>
> (Genesis 3:19; **ESV**)

God makes sure that the man dies **physically**, just as he died **Spiritually** by becoming alienated from God. Rather than destroying the people immediately, God destroys them piecemeal. On the day that they ate from the tree, they died **Spiritually**. They were immediately alienated from God, hidden from His presence. Their **psychic** perception was immediately corrupted. But they did not die **physically** until many days later. Even so, the instant they died **Spiritually**, their **physical** deaths were certain. God created them from dirt. God covenantally obligates Himself to make sure that they return to dirt.

Sub-Chapter 5:
Regarding Verses 20-24:
Excommunication from Paradise

Although the man calling his wife "Eve" may be significant in some respects, it's difficult to see how it bears on biblical law. So verse 3:20 is best categorized as biblical fact with little or no bearing on biblical law.

Because of the profound significance of the final four verses of the Adamic covenant, they deserve reiteration here:

> 21 And the LORD God made for Adam and for his wife garments of skins and clothed them.
>
> 22 Then the LORD God said, "Behold, the man has become like one of us in knowing good and evil. Now, lest he reach out his hand and take also of the tree of life and eat, and live forever—"
>
> 23 therefore the LORD God sent him out from the garden of Eden to work the ground from which he was taken.
>
> 24 He drove out the man, and at the east of the garden of Eden he placed the cherubim and a flaming sword that turned every way to guard the way to the tree of life.
>
> (Genesis 3:21-24; **ESV**)

When "the LORD God made for Adam and his wife garments of skins and clothed them" (v. 3:21), He could have gotten the skins by any means God may have chosen.[1] But because blood covenants are so central to biblical law, it would be consistent with the rest of Scripture for God to have slaughtered animals to produce the skins. Doing so would mark a pattern that exists in the rest of Scripture: Blood covenants mark passages in Scripture in which terms of the covenant between God and mankind are modified, in which a given covenant between God and mankind is amended through appendments and/or modifications. These passages are generally identified by the appearance of the Hebrew word *b'rit* (Strong's #1285). The definition of

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1 If these skins did not come from animals, then where did they come from? Either they came from animals or God created them in some miraculously bloodless manner. Given the fact that all the major covenants in Scripture (with the exception of the Edenic) – i.e., Noachian, Abrahamic, Mosaic, and Messianic – are blood covenants, it's more likely that this clothing of the people with skins was a precedent-setting event which would be repeated many times in redemptive history. The precedent is the shedding of animal blood, *i.e.*, the cutting of a covenant. — Each subsequent covenant is a continuing sign of the continued existence of the Edenic covenant. — Without the shedding of blood, there is no redemption (Hebrews 9:22).

b'rit includes other kinds of contracts, normal contracts between humans, treaties, pledges, alliances, marriages, *etc*. *B'rit* appears over 280 times in the Old Testament. But when *b'rit* appears in the same passage with ritual blood sacrifice, it generally marks a blood covenant passage, where the blood covenant modifies the terms of the covenant between God and mankind. Such passages mark biblical law that exists at a constitutional level. Both the Edenic and the Adamic covenants exist at a constitutional level of abstraction. There are other passages in the historical narrative that mark statute-level laws and case law. Because the Edenic and Adamic covenants are global, whereas the blood covenants most emphasized in Scripture are local (especially Abrahamic, Mosaic, and Messianic), such a global blood covenant has even more significance in setting the context for the biblical prescription of secular human law. — Based on the fact that all the other covenants in the Bible that modify the constitutional laws that govern a given people are blood covenants, this examination of Scripture will assume that the Adamic covenant is also a blood covenant. So it's appropriate to consider the Adamic covenant to be the first in a series of blood covenants. The shedding of blood is a sign of these covenants: Noachian, Abrahamic, Mosaic, and Messianic. It is also part of the offer feedback loop for each of these covenants. So when God replaced the fig-leaf loincloths with skins, He also initiated the system of blood covenants by which the original constitution, the Edenic covenant, would be modified. Based on this belief, this **exegesis** of the biblical prescription of secular human law will proceed, after the Adamic covenant, by focusing on these constitution-level, blood-covenant passages within the historical narrative.[1]

As already indicated above, Genesis 3:22a shows that by partaking of the tree of knowledge of good and evil, the people acquired God's communicable attribute of knowing good and evil. God's omniscience is not communicable, but the subset of that all-encompassing knowledge base that pertains to the moral-law leg of the natural law is certainly communicable. In the garden, the people had a subset of that moral-law leg, specifically, the subset that pertained to choices confined to the garden. But the people were made for the entire natural law, and they therefore needed to perfect the software necessary for the entire moral-law leg. The reader should find these claims sufficiently addressed above, so there's no need to go into them in more detail here. It should suffice to say that in the process of acquiring God's attribute of

1 It's probably prudent to note, as a reminder, that the first time the word *b'rit* appears in the Old Testament is in Genesis 6:18. This pertains to the Noachian covenant. Although this word does not appear in either the creation-covenant passage (Genesis 1:26-2:25) or the covenant-of-grace passage (Genesis 3), those two passages are identified as major covenants by the Epistles.

knowing good and evil, the people did NOT simultaneously acquire God's attribute of being sinless. Similitude in knowing good and evil is not the same as sameness, and the fact that one acquires a range of choices does not guarantee that one has the software necessary to properly process all those choices.

As already indicated above, Genesis 3:22b should not be interpreted by way of any presupposition that it's possible for humans to "live forever" and be sinful at the same time. That presupposition conflicts with Romans 6:23, which says that "the wages of sin is death". So when God says, "Now, lest he reach out his hand and take also of the tree of life and eat, and live forever—", it cannot mean that God thought that there was any real threat of the people living forever and being sinners at the same time. Given that that interpretation is wrong on its face, God must be saying something else here. Because the narrator is quoting God, it's necessary to assume that the narrator is accommodating God's truth to humanity's limited capacity to receive it. This leads to the conclusion that God's statement in 22b is measured sarcasm. God is saying, *Look, these people think they can be sinners and live forever at the same time. What a laugh. We've got to disabuse them of that delusion.* So to make the point, God took the actions in verses 23&24.

Genesis 3:24a essentially summarizes verse 23. It says, "He drove the man out". To make the point to the man that it's impossible to be a sinner and live forever at the same time, "God sent him out of the garden of Eden" so that the man could continue his vocation as gardener in the out-of-the-garden milieu. — To ensure that this point would be understood by the entire human race forever, God placed "cherubim and a flaming sword" "at the east of the garden of Eden". These angels were clearly set as guardians over the way to the tree of life. They, and the "flaming sword that turned every way to guard the way to the tree of life", would ensure that no human prone to missing the natural-law mark would ever have access to eternal life. In other words, as long as they were sinners, they would never have access to the sinless life, the life utterly conformed to the natural law.

Sub-Chapter 6:
Summary of the Adamic Covenant

The Adamic covenant is essentially a renegotiation of the Edenic covenant. An offer feedback loop for the renegotiation of the terms of the Edenic covenant begins in verse 9, after the people had entered into covenant with the serpent. In that verse, God called to the man and asked him, "'Where are you?'" This is the beginning of a conversation between God and the people that is preliminary to God's actually changing the terms of the Edenic covenant. This preliminary conversation goes

through verse 13, in which the woman said, "'The serpent deceived me, and I ate.'" From verse 14 to the end of the chapter, the focus is primarily on God's modification of the terms of the Edenic covenant. In order to see clearly what the terms of this global covenant between mankind and God look like after these amendments and appendments, it should help to examine each of the creation ordinances to see how and to what extent each changed.

(i)<u>created in the image of God:</u> Under the Adamic covenant, humans still have the attribute of being created in the image of God, of having the *imago Dei*. This is confirmed by Genesis 9:6. This means that humans are still called to exercise some sovereignty within the ambit of God's superior sovereignty. So humans are still called to be miniature sovereigns. Humans still have the same set of natural disabilities with which they were originally created, of being disabled from being omniscient, omnipotent, omnipresent, omnibenevolent, *etc*. Humans are still obligated to treat every other human as having the *imago Dei*. But unlike the Noachian covenant (by way of v. 9:6), there is no human law associated with this ordinance under the immediate jurisdiction of the Adamic covenant. The same way humans entered the Edenic covenant through pre-cognitive consent, the terms of that covenant get renegotiated through their pre-cognitive consent in the Adamic covenant. While the consideration offered by humans to God under the Edenic covenant was their glorification of God, the consideration offered by humans under the Adamic covenant is still the same. But under the Adamic covenant, the people no longer naturally live *coram Deo*. That's because people are naturally alienated from God under the Adamic covenant, because the human race has pre-cognitively entered into covenant with *HaSatan*. As part of their glorification of God, humans are still obligated to obey all the creation ordinances, even though they are incapacitated from genuinely doing so because of their loss of "preternatural powers" and the onset of the "noetic effects of sin". Even so, the obligation to behave as an image bearer still exists.

(ii)<u>created male and female:</u> Under the Adamic covenant, God still creates each human male and female, evidenced by the fact that fully functional, biological hermaphroditism doesn't exist among humans. This means that the same way there are natural abilities and disabilities inherent in humanity because of the incommunicable attributes of God, there are natural abilities and disabilities inherent in being either male or female. So each male is inherently obligated to accept his natural abilities and disabilities, and to not attempt perversion of those traits. Likewise, each female is inherently obligated to accept her natural privileges and disabilities, and to not pervert them. There is still a natural division of labor between men and women, based on the complementarity of man and woman in marriage. Every human is still morally obligated under the Adamic covenant to

avoid perverting that complementarity, that division of labor, and the marriage bond. But like the Edenic covenant, the Adamic covenant does not posit such moral obligations as human law, but only as moral law.

(iii)dominion: The Edenic calling to take dominion over "all the earth" still exists under the Adamic covenant. All the progeny of Adam and Eve are called collectively to take such dominion, and each is called as an individual to be miniature sovereign having jurisdiction over specific territory and subject matter, and especially over his/her person. The calling for each human to be a miniature sovereign still exists under the Adamic covenant, and so does the calling to take dominion over "all the earth" as an aggregate of miniature sovereigns. Such aggregate dominion inevitably demands a system of contracts whereby aggregate dominion can exist without damaging the miniature sovereignty of anyone with the *imago Dei*. Under the Adamic covenant, every such miniature sovereign still naturally has territorial jurisdiction over his/her **primary property**, and also inevitably over some subset of "all the earth", his/her **secondary property**. Each miniature sovereign therefore has just claims, natural rights, within his/her jurisdiction. How the jurisdictions of individual miniature sovereigns interface with the jurisdiction of the aggregate dominion over "all the earth" has been a conundrum since the Edenic covenant, and the conundrum continues to exist under the jurisdiction of the Adamic covenant, and is addressed indirectly throughout the remainder of Scripture. — Because it fits that "all the earth" symbolizes the entire purview of the natural law, it must be true that wherever natural law applies, the take-dominion creation ordinance must also apply. This fact does not change under the Adamic covenant. Even so, there is no human law associated with this moral law under the Edenic covenant, and there is none under the Adamic covenant. It's necessary to conclude that aggregate dominion must be pursued in a way that treats the terms of the global covenant as a fabric that should be taken as a whole, a fabric that should not be ripped or torn into pieces.

(iv)be fruitful and multiply: The Edenic covenant's call to be fruitful and multiply still exists as part of the global covenant under the Adamic covenant's terms. This means that eugenics and other forms of population control that are enforced by statists are direct violation of this creation ordinance. This is as true under the Adamic covenant as under the Edenic. The call to be fruitful and multiply is clearly intended under both covenants to be pursued within the context of the other creation ordinances, and of the entire moral law. Even so, there is no human law associated with this call under either covenant.

(v)vegetarian diet: Under the Edenic covenant, God called humans to be herbivores. There's no sign that He changed this under the Adamic covenant. Under

the Adamic covenant, this continues to be moral law under God's global covenant with humanity. Even so, there is no human law associated with this moral law under the jurisdiction of the Adamic covenant.

(vi)everything was very good, even people: Although the people were "very good" and sinless under the Edenic covenant, they were not very good and sinless under the Adamic. While under the Edenic covenant, the people were naked and not ashamed, under the Adamic covenant, humanity is generally ashamed of being naked. After entering into covenant with *HaSatan*, they lost their "preternatural powers" and started suffering the "noetic effects of sin", and under those conditions, they were ashamed of being naked. Humans stopped being conformed to the natural law, even though humans are still called to be in conformity to natural law under the Adamic covenant. Their covenant with *HaSatan* caused them to be alienated from God, meaning that it ceased being natural for them to have access to the **Spiritual** field of perception and action. As a result of losing natural access to the **Spirit**, their access to the **psychic** field of perception and action became corrupted, and they were no longer able to keep themselves from being vulnerable to evil within the **psychic** field of perception and action. Losing access to the **Spirit** also caused a degree of fragmentation, separation, and alienation between all three fields of perception and action. This is why even the "ground", the **physical** field of perception and action, is cursed under the regime of the Adamic covenant. Under this regime, it's natural for people to be unnatural, or more precisely, normal to be unnatural. It's normal for people to miss the natural-law mark. — In spite of all these radical changes, people are still obligated under the Adamic covenant to be "very good", to eschew sin, and to aim at complete conformity to the natural law. Even so, under the Adamic covenant, there is no prescription of human law associated with this term of the covenant.

(vii)seventh-day Sabbath: Under the Adamic covenant, the call for humans to keep seventh-day Sabbath didn't change relative to the Edenic covenant. So under the global covenant between God and mankind under the Adamic covenant, all people are still called to keep seven-day Sabbath. But there is no prescription of human law associated with this moral law under the Adamic covenant.

(viii)made from dust: Before the fall, humans had access to both the **Spiritual** and the **physical** fields of perception and action. The fact that humans are made from dust is proof that they naturally have physical bodies and therefore have access to the **physical** field. This is a sign that humans have a moral obligation to stay humble before God. The fact that humans do not readily have access to the **Spirit** under the Adamic covenant does not change the fact that humans remain morally obligated to stay humble before God under the jurisdiction of the Adamic covenant.

But this obligation is enforced through private conscience under both the Edenic and Adamic covenants, and there is no prescription of human law to help enforce it.

(ix)in the garden: In spite of the fact that humans were called to take dominion over "all the earth" under the Edenic covenant, the territorial jurisdiction of the Edenic covenant was the garden of Eden. When God drove the people out of the garden under the authority of the Adamic covenant, there was a radical shift in the territorial jurisdiction of the global covenant. The territorial jurisdiction shifted to an out-of-the-garden territory. The fact that the tree of life is in the garden, and is also in the New Jerusalem, means that at the end of the age, the territorial jurisdiction of the global covenant will again include the garden of Eden, but it will also include the out-of-the-garden territory included in the rest of "all the earth". — Even though this is true, people are obligated under both the Edenic and the Adamic covenants to avoid violating the jurisdictional boundaries of their covenant with God.

(x)tree of life: People had access to the tree of life under the Edenic covenant. They utterly lack such access under the Adamic covenant. If the tree of life is understood to symbolize life without sin, it makes perfect sense that when the people became sinful by way of their covenant with *HaSatan*, they would cease having access to the tree of life. As usual, there is no prescription of human law under the auspices of this covenant ordinance, and there is none under the auspices of the Adamic covenant's disablement of access to the tree of life.

(xi)tree of knowledge: While the tree of knowledge of good and evil was banned under the Edenic covenant, it was not inaccessible. When the people ate from this tree under the jurisdiction of their sub-covenant with *HaSatan*, they immediately acquired God's communicable attribute of knowing good and evil. More specifically, their range of choices extended to the entire range of the natural law, while their knowledge about how to choose the best did not grow at the same rate. That's because they would need to develop that knowledge by way of their own efforts as miniature sovereigns. The people were created to maintain their access to the tree of life, *i.e.*, to life, by ***knowing what they needed to know when they needed to know it, so that they would choose what they needed to choose when they needed to choose it, so that they would do what they needed to do when they needed to do it, where need is defined in terms of avoidance of missing the natural-law mark***. But under the Adamic covenant, by way of the sub-covenant with Satan, the people suffered disjuncture between appearances and reality, and their ability to properly identify exogenous objects became inadequate, along with their knowledge, which is why they started missing the mark. Only by following

the plan established by the covenant of redemption before creation – the agenda led by the woman's seed, the Messiah – would people perfect this communicable attribute of God, and know, choose, and do in a way that keeps one in harmony with natural law. — The moral sanction associated with this symbolic tree is that one should avoid exceeding one's jurisdiction as a miniature sovereign. Exceeding one's jurisdiction always accompanies idolatry and sin. While the tree of knowledge of good and evil remained in the garden when they were exiled from it, accessing it once was apparently enough to give them the attribute of knowing good and evil. So even though their exile from the garden put the tree out of their reach, whatever good purpose the tree served was already fully satisfied.

(xii)labor and stewardship: Under the Edenic covenant, God called the man to be a gardener. Under the Adamic covenant, God called the man to essentially the same vocation. The difference is that under the Adamic covenant, both the ground and the man are cursed. It's safe to say the woman also had similar vocations in and out of the garden. But her circumstances were also cursed through the covenant with *HaSatan*. Under both the Edenic and Adamic covenants, there is a moral law, a positive moral injunction to perform godly labor. But this moral law doesn't translate readily into God-prescribed human law.

By far, the most important feature of the Adamic covenant is the proto-evangel in verse 15. The entire remainder of Scripture revolves around this verse, because it shows humanity the way out of its predicament. The way out revolves around the Son of God, who volunteered before creation, in the covenant of redemption, to lead humanity out of the abyss into which they sank themselves by way of the covenant with *HaSatan*. This way out is entirely about the imputed righteousness of Christ, a righteousness that is alien to every human, and which God's elect receive through His sovereign regeneration. Bundled in the righteousness of Christ is much prudential wisdom, including resolution to the aggregate-dominion-over-all-the-earth conundrum. This conundrum is essentially a jurisprudential problem, specifically: How is it possible for people with natural rights to contractually aggregate themselves in such a way as to collectively take dominion over "all the earth", and even more specifically, over the entire natural law? There is one thing that the proto-evangel clearly implies, specifically, that whatever legal and contractual mechanism this solution to this conundrum turns out to be, meaning whatever polity is a real solution to this conundrum, the woman's seed, the Messiah, Jesus Christ, will be the reigning King over this polity. To continue progressing down the road to discovery of this polity in Scripture, it's prudent to summarize the Adamic covenant by refocusing on its jurisdiction.

Summary of the Adamic Covenant

After the **progressive revelation** embodied in the Adamic covenant, the *in personam* jurisdiction of God's global covenant with humanity is still the man and woman, their offspring, and God. The subject-matter jurisdiction of this global covenant is still the entire natural law, with an emphasis on the creation ordinances. But the creation ordinances have been amended, as indicated. The territorial jurisdiction is the out-of-the-garden milieu, with a term of the covenant stipulating that the human parties will eventually regain access to the garden without losing the out-of-the-garden territory.

All the archetypal symbolism in Genesis 3 marks biblical facts that exist in the **psychic** field of perception and action. The serpent, the tree of knowledge of good and evil, the tree of life, the flaming sword, the cherubim, the woman's seed, *etc.*, all represent real facts. They may not be facts that can be scientifically proven. But that doesn't mean that they're not true. It just means that scientists are unable to discover them in their focus on the material, **physical** universe.

Although it's clear through this covenant that all humans are morally accountable to God because all are subject to natural law, there is no prescription by God of human law here. That doesn't mean that there is no possibility of human law under the aegis of the Adamic covenant. People are obedient to natural law through the conscience. Such conscience might lead two or more people to enter into contracts with one another for the sake of enforcing the moral-law leg of the natural law by way of contractually enforced penalties. But that kind of human law only applies to those party to the contract. Even though such human law could exist under the indirect jurisdiction of the Adamic covenant, the global covenant contains no global prescription of human law. Under this covenant, the human race is therefore still in the age of conscience.

Part II

Chapter 6:
Anarchy Era
(Age of Conscience — Genesis 4-8:19)

After the Adamic covenant, beginning in Genesis 4:1, there is no covenantal passage until Genesis 8:20. In fact, the entire passage from 4:1 through 8:19 consists mostly of biblical fact, with sparse appearance of biblical law. As mentioned above, to discover the Bible's prescription of secular human law, it's necessary to be more specific than focusing merely on finding biblical law. It's necessary to focus on finding blood covenants, because in blood covenants, it's clear that God is sovereignly changing the covenant between Himself and people. It's certainly necessary to search for biblical law as distinguished from biblical fact. But it's most crucial to search for blood covenants. The search for blood covenants entails distinguishing contracts and biblical law that exist at a level of abstraction below the constitutional level, from blood covenants that exist at the constitutional level. The blood-covenant passages always contain biblical law at a constitutional level of abstraction. — Even though verses 4:1-8:19 consist mostly of biblical fact, this passage also sets the stage for the next blood covenant, the Noachian covenant, which begins at 8:20. In the same way that this chronological **exegesis** largely bypassed Genesis 1:1-25 because that passage consists entirely of biblical fact that has little or no direct bearing on jurisprudence, this **exegesis** will largely bypass 4:1-8:19 for the same reason. Even though this is true, there are certain excerpts from this passage that are crucial to establishing the setting for the Noachian covenant. These excerpts establish that this pre-Noachian era was an anarchy. That's why this chronological **exegesis** calls this the "anarchy era".

Because the early covenants of the Bible are all global, meaning that they apply to the entire human race, and because each subsequent covenant exists as **progressive revelation**, each of these early covenants has a specific period of time in which it was in effect. For example, the Edenic era only lasted until the Adamic covenant was promulgated, and the Adamic era only lasts until the Noachian covenant is promulgated. This is common sense and not very edifying. Such eras merely indicate the period of time in which the given covenant has jurisdiction over the human race. But as already indicated, these covenants are cumulative and not exclusive. In other words, if a term of a given covenant is not clearly abrogated or modified by a subsequent covenant, then the term must continue to exist as a term of the subsequent covenant even if the subsequent covenant never mentions the subject matter of the given term. This is logically necessary if one believes that God's ordination of such terms is authoritative and eternal, even though God is at

liberty to abrogate His own terms through **progressive revelation**. This biblical fact that these blood covenants are cumulative may be common sense and not very edifying when the blood covenants involved are each global, but when the global covenant is superseded by a local blood covenant, such as at the promulgation of the Abrahamic covenant, this cumulative attribute of the blood covenants becomes extremely important in distinguishing the jurisdiction of the local covenant from the jurisdiction of the pre-existing global covenant. Although this is not a problem that will need to be addressed until this chronological **exegesis** reaches the Abrahamic covenant, distinguishing eras within which a given covenant is in effect is important as preparation for the stage in the **exegesis** at which distinction between global and local jurisdictions becomes critical. So this **exegesis** finds it important here to mark the Adamic era as distinct from the Edenic era and the Noachian era. Even though the Edenic era and the Adamic era are both in the age of conscience,[1] it's important to mark the Adamic era as an anarchy for reasons that should be clear shortly.

During the Adamic era, there may have been non-global contracts between people, even though the evidence for such contracts is scant. The genealogy in Genesis 5 implies that there were probably marriages, and marriages are certainly contracts. Adam and Eve were certainly married as a sub-covenant of the Edenic covenant, and it's reasonable that the marriage institution would have been passed to later generations. In fact, this passage indicates specifically that Adam (v. 4:1,25), Cain (v. 4:17), Lamech (v. 4:19), Noah (v. 6:18; 7:7,13; 8:16,18), and Noah's sons (v. 6:18; 7:7,13; 8:16,18) had wives. So it's reasonable to assume that the marriage contract was common. It's also reasonable to assume that those marriage contracts may have had stipulations for the enforcement of the terms of such contracts with penalties to be executed by human against human. Such contractual stipulations would be human law. But they would be local human law and not global human law because such laws would only apply to those party to the contract. — In addition to evidence of contracts supplied by evidence of marriages, verse 4:17 also indicates that Cain built a city. Because cities cannot exist without commerce, and because commerce, in the normal sense of that word, cannot exist without contracts, it also stands to reason that the people during this era entered into contracts other than marriage contracts. It also stands to reason that such contracts would have stipulations for the enforcement of the terms, and would therefore constitute local human law. — Even if there were marriage and commercial contracts between people during the Adamic era, and even if there was therefore human law that pertained to the parties to the given contract by way of such contract, there's no biblical evidence that God

1 Meaning an age in which people abide by God's law, or not, according to their own private consciences, without the influence of God's global prescription of human law.

prescribed global human law before or during the Adamic era. So human laws in local contracts are negligible in this search for the Bible's prescription of global human law. This was still the age of conscience, when people generally behaved according to what they thought best, without regard to whether other humans would punish them or not. The aspect of Genesis 4:1-8:19 that is most pertinent as background to the Noachian covenant is that aspect that proves that the Adamic era was an age of anarchy. This is because this ***anarchy era*** stands in stark contrast to the terms of the Noachian covenant. So verses 4:1-8:19 establish that the Adamic era was an anarchy, but they also establish the more general background for the Noachian covenant.

The first two verses of Genesis 4 record that Adam and Eve bore Cain and Abel, and that Abel was a "keeper of sheep" while Cain was a "worker of the ground". The subsequent thirteen verses provide crucial evidence that the Adamic era was an anarchy:

> 3 In the course of time Cain brought to the Lord an offering of the fruit of the ground,
>
> 4 and Abel also brought of the firstborn of his flock and of their fat portions. And the Lord had regard for Abel and his offering,
>
> 5 but for Cain and his offering he had no regard. So Cain was very angry, and his face fell.
>
> 6 The Lord said to Cain, "Why are you angry, and why has your face fallen?
>
> 7 If you do well, will you not be accepted? And if you do not do well, sin is crouching at the door. Its desire is for you, but you must rule over it."
>
> 8 Cain spoke to Abel his brother. And when they were in the field, Cain rose up against his brother Abel and killed him.
>
> 9 Then the Lord said to Cain, "Where is Abel your brother?" He said, "I do not know; am I my brother's keeper?"
>
> 10 And the Lord said, "What have you done? The voice of your brother's blood is crying to me from the ground.
>
> 11 And now you are cursed from the ground, which has opened its mouth to receive your brother's blood from your hand.

> 12 When you work the ground, it shall no longer yield to
> you its strength. You shall be a fugitive and a wanderer
> on the earth."
> 13 Cain said to the Lord, "My punishment is greater
> than I can bear.
> 14 Behold, you have driven me today away from the
> ground, and from your face I shall be hidden. I shall
> be a fugitive and a wanderer on the earth, and whoever
> finds me will kill me."
> 15 Then the Lord said to him, "Not so! If anyone kills
> Cain, vengeance shall be taken on him sevenfold."
> And the Lord put a mark on Cain, lest any who found
> him should attack him.
>
> (Genesis 4:3-15; **ESV**)

God is clearly speaking to Cain in this passage. Because God is authority above all authority, it might seem that whenever God speaks like this in the Bible, it must be biblical law. In some respects that's true, but sometimes it is not the kind of biblical law that is generally applicable. For example, it might be the kind of biblical law that is specifically intended for the individual with whom God is conversing. For instance, later in 4:1-8:19 God gave instructions to Noah about how to build the ark. Those instructions were an instance of God sovereignly speaking something other than generally applicable law. Such instructions therefore have little bearing on this search for the prescription of secular human law. Verses 6&7 are similarly not relevant to this **exegesis**, but for different reasons. In verses 6&7, God is clearly telling Cain that he needs to take dominion over his own sin. But this is essentially citation of biblical law that's already been established. It's implicit in the Adamic covenant that every human needs to take dominion over his/her propensity to sin. So like mere individualized instructions, verses 6&7 are not the establishment of new biblical law. So individualized instructions and citation of already-existing biblical law are examples of why it's not entirely true that every time God speaks in the Bible, it is an occurrence of new biblical law. Even though this is true, an occurrence of God speaking that is not associated with a blood covenant might also be an instance of biblical law that exists at a non-constitutional level of abstraction. It could be an instance of biblical law that exists at a statutory or case law level of abstraction. Even though the occurrence of God speaking in verses 6&7 is merely citation (as distinguished from promulgation) of constitution-level law that therefore doesn't demand special attention in this chronological **exegesis**, other instances of God speaking in 4:3-15 do, in fact, indicate the promulgation of biblical law at a statutory or case law level of abstraction. That's why verses 3-15 demand special attention. Although there are other instances of God speaking in verses 4:1-8:19, and even

though they might be construed as occurrences of biblical law, they don't demand attention the way 3-15 demand attention, for reasons that will be clear shortly.

The new biblical law in Genesis 4:3-15 exists in the form of God's guarantee to Cain. Here is the sequence of events: (i)Cain kills Abel. (ii)God tells Cain, the ground curses you as it receives your brother's blood, and because of this, you "'shall be a fugitive and a wanderer on the earth'". (iii)Cain complains to God that, "'whoever finds me will kill me.'" (iv)God responds to Cain by saying, "'Not so!'" Then God proclaims an edict, clearly intended for the entire human race as it then existed: "'If anyone kills Cain, vengeance shall be taken on him sevenfold.'" (v) After ordaining that He would take sevenfold vengeance against anyone who killed Cain, God "put a mark on Cain, lest any who found him should attack him."

It's common knowledge that the Ten Commandments criminalized murder. In light of that fact, God's edict in verse 15 appears to be absolutely bizarre. Under this edict, if someone had executed retributive justice against Cain for being a murderer, God would have taken vengeance against that person sevenfold. Under the jurisdiction of the Noachian covenant, retributive justice is the norm for murder. But during the Adamic era, anyone who laid a hand on Cain, in the name of bringing him to justice, would have received punishment from God that would have been seven times worse than Cain's fate. So God is essentially defending a murderer against anyone who might attempt to bring justice against the murderer. This is exactly opposite to the treatment commanded by God later in Scripture. Without some reasonable explanation for this discrepancy, one must necessarily conclude that one is violating the analogy of faith, and setting Scripture against Scripture, by even noticing that this is totally bizarre. Why would God proclaim sevenfold vengeance to protect a murderer?

There is a rational explanation for this, but it's not an explanation that's likely to be obvious to the casual reader. Before proceeding with the explanation, it's important to notice that this sevenfold-vengeance edict is biblical law that is not merely citation of already-existing constitution-level biblical law. Because this is biblical law that is directly from the mouth of God, and because it's not immediately affiliated with any blood covenant, this is biblical law that exists at a statutory level of abstraction. This means that it is biblical law that exists under the umbrella of the already-existing global covenant, and that its function is to implement the global covenant at a more detailed level of abstraction, which is why it's being called "statutory". — One might tend to believe that the edict in 4:15 was some kind of special and peculiar biblical law that only pertained to Cain. But if it were special and peculiar, then that would put God's treatment of Cain in conflict with standards established elsewhere in Scripture that eschew the special and peculiar

interpretation.[1] For example, in Acts 10:34 Peter says, "Truly I understand that God shows no partiality" (**ESV**). In saying this, Peter is leaning on Deuteronomy 10:17, which says, "For the Lord … is not partial and takes no bribe" (**ESV**). So God is not the kind of judge who shows favoritism and is willing to break the law whenever He thinks there is something to gain by doing so. God's law, like God, is the same yesterday, today, and forever. Even though God may love His creatures, that doesn't mean that He is willing, or even capable, of violating His law for the sake of any of them. So 4:15 should not be interpreted as a case of God showing Cain favoritism, of being partial to Cain because Cain was such a special fellow.[2] There must be some explanation other than favoritism and partiality to explain why God put the sevenfold-vengeance mark on Cain. This sevenfold vengeance can't be a special and peculiar biblical law that only existed for Cain's sake. This is because 4:15 is not mere citation of already-existing biblical law, and it's not like the special instructions that God later gave to Noah about how to build the ark. To interpret 4:15 as anything other than a globally applicable edict is to mis-characterize God. It must be general law applicable to all people during the Adamic era. So if anyone

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1 It might be facially reasonable for the reader to object here that interpreting 4:3-15 to mean that God is defending a murderer is already setting Scripture against Scripture. Although this facially reasonable objection is obvious, it's also based on a bias formed by not understanding the relationship between the ***anarchy era*** and the era established by the Noachian covenant. The distinction between those two eras is hugely impacted by the global prescription of human law, where such prescription is relatively volatile. But impartiality in legal judgments is an attribute of God that is immutable. God accommodates His prescription of human law to the human capacity to receive and understand it. The human race being flawed and volatile, God's prescription of human law seems to take on the same appearance of volatility.

2 Some people might object that if some people are elect, while others are not, then God obviously shows "partiality in judgment". But this is not the case. He weighs both the "elect" and the damned with the same set of scales. The "elect" are saved, while the damned are doomed. He knew who was chosen from the beginning of time (Romans 9:27; Galatians 1:15). To say that God is showing partiality towards the "elect" is comparable to claiming that He is showing partiality towards human beings relative to animals, by offering humans eternal life without offering animals eternal life. God knows the dividing line between those entities to whom He has endowed His divine image (all humans) and those to whom He has not (all non-human animals). He also knows the dividing line between those humans to whom He has endowed eternal life in the third Heaven (the elect) and those to whom He has not (the doomed). The allocation of ultimate destination in the latter case is necessarily as matter of fact as the allocation of fundamental capacity in the former. When it is as matter of fact as this, it is not a matter of partiality, but of sovereignty.

else committed murder, the same kind of sevenfold-vengeance mark would have been on them as well.

As mentioned, 4:1-8:19 is mostly biblical fact. As mentioned, this edict in 4:15 is an obvious exception to this generalization. But as indicated it cannot be a special edict designed for Cain and Cain alone. For the sake of consistency with the rest of Scripture, it must be manifestation of natural law that is applicable to the entire human race as it existed during the Adamic era. The **progressive revelation** contained in the Noachian covenant posits another way of dealing with murderers. So the looming questions appear to remain: Even if God's treatment of Cain was standard treatment during the Adamic era, how does one explain the fact that this seven-fold-vengeance treatment is so bizarre relative to the rest of Scripture? Does this bizarre treatment implicitly impugn the Bible with an accusation that it has a serious lack of rational integrity?

To reinforce the claim that the penalty God levied against Cain for murdering Abel was the global standard, and was not peculiar and special for Cain, it's important to notice that there's another murder recorded in Genesis 4. In 4:23-24, Lamech, a descendant of Cain, bragged to his two wives that he had killed a man in retaliation for wounding him. Against the claim that this may have been self-defense, there's a counterclaim that if it were self-defense, then one would expect to see some sorrow from Lamech about having to kill someone else even if it was necessary. Instead of sorrow, Lamech brags. He says, "'If Cain's revenge is sevenfold, then Lamech's is seventy-sevenfold.'" (v. 4:24) This shows that Lamech believed that God protected murderers from people who might desire to take retribution. — It's impossible to clearly reconcile this bizarre punishment in Genesis 4 with the punishment prescribed by God in subsequent Scripture unless one understands two things: First, it's necessary to understand the radical distinction between natural law and human law. Second, it's necessary to understand that God is under no obligation to esteem human law with the same gravity with which humans are prone to esteem it.

Natural law never changes, even though God's revelation of natural law is progressive. Because God's prescription of human law is a subset of God's **progressive revelation** of natural law, one might assume that the prescription of human law is as straightforward and rational as the **progressive revelation** of natural law. But that would be a dangerous assumption, because in human law extremely fallible creatures mediate the enforcement of natural law. In revealing both kinds of law, God accommodates His communication to the human capacity to understand. But that fallible capacity is compounded in human law, relative to natural law. This is because in addition to the necessity of God's accommodation of His communication

to the human capacity to understand, there's also the necessity that God allow these extremely fallible creatures to mediate the enforcement of natural law.[1]

The rational explanation for the peculiar penalties levied against murderers during the Adamic era stands as an object lesson given by God to the entire human race. When humans lack capacity to receive God's communications through articulated words, the evidence throughout Scripture is that God often communicates through object lessons. A preliminary description of the object lesson behind the sevenfold vengeance goes like this: No human or group of humans should ever be trusted to act as sovereign over any other human or group of humans. This is because, in the fallen condition, no human is capable of being genuinely sovereign over his/her mind, and no human is capable of being a fully formed miniature sovereign; so humans cannot be trusted to do it right. Neither God nor any human should trust any human to execute justice against any other human. The fall is too radical, and humanity is too corrupt. — That's a preliminary description of the object lesson. But if no humans rule humans, and if no human has dominion over his/her mind, then the resulting state of affairs will certainly be an anarchy.

When God "appointed a sign for Cain", he made it clear to everybody that anybody who retaliated against Cain would suffer tremendously for doing so. This tacit mandate to NOT retaliate is not frivolous or arbitrary. It may be at a statutory level of abstraction rather than at a constitutional level, but that doesn't keep it from applying to all murderers during the Adamic era. It is no more frivolous or arbitrary than God's mandates later in Scripture that demand retaliation against the perpetrator. As will be evident shortly, it's only possible to properly understand later commands to retaliate within the context of this earlier defense of murderers in the Adamic era.

The Edenic covenant clearly indicates that all people have been created with the *imago Dei*, and have been created to be miniature sovereigns. As such, all people have natural rights, so all people have been created with an innate obligation to avoid violating the natural rights of other people. So all people are also created with natural obligations to recognize the natural rights of other people. These rights and duties are inherent in the *imago Dei*. So when humans were created, by the very act of being created with the *imago Dei*, they were implicitly warned not to violate natural rights. Apparently Cain felt an urge to explore the boundaries of this

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1 Unlike human law, natural law cannot be broken. Humans can either conform to it, or not. So speaking of humans mediating the enforcement of natural law is essentially an abbreviation of what's really going on. What's really going on in biblically prescribed human law is that humans mediate the expectation that humans will conform to natural law in regard to some specific natural-law subject matter.

warning. To gratify the urge, he murdered his brother with anger and psychopathic curiosity, asking, "Am I my brother's keeper?" (Genesis 4:9). So Cain clearly violated both the natural law and his brother's natural rights. So it's reasonable to conclude that the Adamic era was an era dedicated to exploring the boundaries of the duties that everyone owes to everyone else, and to exploring the extent to which humans are the keepers of other humans under the natural law. But as indicated, what's most curious about this era is that it is marked by God's impairing any inclinations humans might have had to execute retributive justice.

Other than the local, contractual human law that probably existed, there was no human law before this murder, and there was no prescription of global human law until after the ***anarchy era*** was terminated. So during this era, God enforced against violations of natural law without human mediation. One might think that because God is omniscient, omnipotent, and omnibenevolent, God could have easily prevented this murder. That's true, but it doesn't sufficiently account for the possibility that God has an ulterior motive in allowing the murder. Because God's goal is a population of miniature sovereigns who all conform to natural law, and because it's in the nature of miniature sovereignty for each such miniature sovereign to take dominion over his/her mind and body, that goal would justify not only the allowance of that murder, but would justify the allowance of many murders. This is certainly not because God likes murder. It's because he likes fully formed miniature sovereigns, and he's willing to forbear human perversion in order to get them. One factor that complicates this process of cultivating miniature sovereigns is that their maturation requires that they collectively develop the social structures necessary to support the entire population of fully formed miniature sovereigns. In terminology already used above, taking aggregate dominion over "all the earth" eventually requires development of a single polity that governs every human on the planet. That complicates the maturation of miniature sovereigns substantially. This aggregate-dominion factor is precisely why maturation into miniature sovereignty is a protracted process. In this ***anarchy era***, God is setting the most fundamental foundations of that process through this statutory revelation of natural law. When these people are starting this process by not knowing cognitively why murder is bad, God's accommodation of His communication relative to issues like murder are necessarily rudimentary. Through the statute-level biblical law in 4:15, God is revealing one thing, and in the Noachian covenant, God is revealing something entirely different. But the two are not contradictory. Rather, the later revelation complements the earlier revelation, and builds on it. So a big question becomes, *How does the later revelation complement and build on the earlier revelation?*

If God does not allow Cain the murderer to be punished by other human beings, why should he allow any murderer to be punished by other human beings? It makes much more sense that God's sentence on Cain – that he would be a vagabond, and would be protected from anyone who tried to avenge his murder of Abel – was the standard sentence that God gave to murderers during this epoch. In short, Cain wasn't special. During this period God sentenced every murderer to being an unpunished vagabond. Is it likely that there were other murderers during this era? Yes! Is it likely that there were other people who damaged other people without murdering them? Yes! Given the commonplace nature of such other-inflicted damage, especially when there were no human-law curbs against it, it's likely that there were other occurrences of other-inflicted damage. It's also likely that if a ban on human punishment of murder was the norm, then a ban on human punishment of other kinds of other-inflicted damage was also the norm, by default.

Given that God protected murderers by promising to punish people who punished the murderers, what would happen to thieves, liars, and rapists? If God didn't want people to punish murderers, is it likely that he wanted people to punish these lesser sins? — No! It's likely that no one received any kind of official punishment from anyone for anything during this era, other than directly from God through natural law.[1] That's practically a definition of anarchy.

These facts along with other evidence scattered throughout the rest of the Bible work together to show that during this antediluvian era, prosecution of extra-contractual, other-inflicted damage was banned, and the social super-structure defaulted into being an anarchy. After the flood, this antediluvian breed of antinomianism was banned by way of Genesis 9:6. While extra-contractual human law was banned during the ***anarchy era***, this ban was lifted by way of the Noachian covenant. Because the Noachian covenant is a perpetual covenant, and because it is the last of the Bible's global covenants and is therefore still in effect globally, and because it lifts the ban on global human law, it's reasonable to call the epoch that follows the flood the "law-enforcement epoch", to distinguish it from the ***anarchy epoch*** that preceded the flood. — Before exploring the Noachian covenant, it's crucial to scan the rest of 4:1-8:19 for other evidence of biblical law.

The last two verses of Genesis 4 indicate that Adam and Eve had another son, Seth, and that Seth had a son, Enosh.[2] Genesis 5 starts with the statement that "This

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1 People may have been punished through contractual human law, but that would not be official, *i.e.*, it would not be globally prescribed human law.

2 According to the **ESV**, the last sentence in Genesis 4 is, "At that time people began to call upon the name of the Lord." According to some Jewish scholars, because of the verb translated to "began" (Strong's #2490), this is not an accurate translation from Hebrew.

is the book of the generations of Adam". What follows in 5:2-32 is an account of the genealogy of Adam. But what's remarkable about this genealogy of Adam is that it excludes the genealogy of Cain. It's composed entirely of the genealogy through Seth. So according to this chapter, the preeminent line of Adam goes through Seth, and Cain is not included in Adam's line. This is made still more remarkable by the fact that verse 1 recalls that God made mankind in His image and likeness. So the inference to be found in this slight against Cain is that the real image bearers of the human race go through the line of Seth, and not through the line of Cain. Cain's genealogy appears in chapter 4, and no more mention of it is made until chapter 6.

In Genesis 6:1-2, the narrator says, "the sons of God saw that the daughters of man were attractive. And they took as their wives any they chose". Among people who do not use the Reformed hermeneutic, this is often taken as a cryptic statement and an invitation to speculate about what the narrator meant by "sons of God". Then the mention of the "Nephilim" in verse 4 is taken as an invitation to compound the speculation. But to people who abide by the Reformed hermeneutic, there is no reason to go outside the pages of Scripture to see the clear and reasonable explanation for what "the sons of God" and "Nephilim" mean. The "sons of God" is clearly referring to the males in the line of Seth. Likewise, "the daughters of man" is clearly referring to the females in the line of Cain. It's reasonable to interpret verse 4 so that Nephilim are understood to be offspring of the sons of God and the daughters of man. Among non-Reformed interpreters, Nephilim are often understood to be extraterrestrial giants. The extraterrestrial trait is unnecessary **eisegetical** interpretation of verse 4. Although the understanding that the Nephilim were giants is possibly correct, Strong's Exhaustive Concordance indicates that it's also possible to interpret it as bullies or tyrants (Strong's #5303). If Nephilim are understood to be bullies and tyrants, then Nephilim being in the genetic line of a murderer is fitting.

In Genesis 6:3, there is an instance of God speaking. The fact that it's sandwiched between the sons-of-God / Nephilim verses in 2&4 is evidence that the surrounding verses should be used to interpret it. In verse 3, God indicates that He is shifting the average lifespan from hundreds of years to a standard of 120. The surrounding verses are evidence that the reason He did this is because mankind "is flesh", even

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Such scholars claim that, "we do not in fact have represented here the verb *chalal* in its meaning of 'to begin,' but rather that this verbal root is being employed in its secondary sense of 'to defile.' Hence *Targum Yonatan* renders this biblical phrase, 'In that generation … people invoked their *objects of defilement* (idols) as God.'" — Quoting Rabbi Jeffrey M. Cohen, **Blessed Are You: A Comprehensive Guide to Jewish Prayer**, 1993, Jason Aronson, Inc., Northvale, New Jersey, p. 4.

flesh that produces bullies and tyrants. This shift to a 120-year average lifespan is a Biblical fact, a manifestation of natural law. But it has no obvious bearing on the search for God's prescription of global human law.

Another occurrence of God speaking appears in Genesis 6:7, in which He says, "I will blot out man whom I have created from the face of the land, … for I am sorry that I have made them" (**ESV**). God being sorry for doing anything that He does is theologically problematic, because it appears to be an admission by God that He is not perfect. Because God, by definition, is perfect, this kind of statement demands some kind of explanation. The most obvious explanation is that this is another instance of God accommodating His communication to humans to the humans' capacity to understand. In fact, because God is perfect, He has never done anything to make Himself sorry. Even though this is necessarily true, Scripture is infallible, so there must be some core truth embedded in 6:7. The truth is that humans were created to have eternal life by being utterly conformed to the natural law. Now, in the midst of this ***anarchy era***, God saw "that the wickedness of man was great on the earth, and that every intention of the thoughts of his heart was only evil continually" (v. 6:5; **ESV**). So even though God said He was sorry, and that He regretted ever creating the humans (v. 6), He wasn't sorry, and He didn't regret it. The reason the narrator was saying that God was sorrowful and regretful was to communicate just how desperately far from the original standard the human race had fallen. These are genuine emotions that communicate well just how far from natural-law conformity these anarchy-era humans had descended. As such, God saying these things communicates biblical fact, but not biblical law,[1] and it does so in a way that communicates well. But God mis-characterizing Himself for the sake of accommodating Himself to human capacity is not a problem for people using the Reformed hermeneutic, even if it may be to others.

As a result of the corruption and violence prevalent on the earth during this ***anarchy era***, God chose to "blot out man", with the exception of Noah and his family. God speaks to Noah in verses 6:13-21, where He gives him instructions in how to prepare for the coming flood. As already indicated, these instructions are not promulgation of generally applicable biblical law. The passage of instructions includes God's promise to Noah in 6:13, a promise to make a covenant with Noah. That promise is not generally applicable biblical law. So it has little bearing on this **exegesis**, except as a precursor to the Noachian covenant.

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1 Again, biblical fact is manifestation of natural law. But it is generally not manifestation of the moral-law leg of the natural law. If it were, then it would be biblical law.

In Genesis 7:1-4, God speaks again, and it is more non-jurisprudential instructions to Noah. Genesis 7:5-8:14 is composed entirely of biblical fact. In Genesis 8:15-17, God again speaks to Noah. These three verses can be taken to be post-flood instructions that have little or no bearing on jurisprudence. Genesis 8:18-19 are more biblical facts that are part of the historical narrative. Verse 8:20 is the beginning of the passage dedicated to the Noachian covenant. So this is a quick summary of the law and fact that exist in the ***anarchy era***.

God flooded the earth to scourge the planet of the corruption, and that was the end of the ***anarchy epoch***.[1] The anarchy started when Cain killed Abel and God established the sevenfold vengeance. The ***anarchy era*** was opened for the purpose of discovering the boundaries of the duties that everyone owes to everyone else, and for the purpose of exploring the extent to which humans are the keepers of other humans. The most fundamental answer to this question was answered by the object lesson: Anarchy doesn't work, because it leads to the destruction of the human race and the end of the pursuit of miniature sovereignty. So the extent of the duties that everyone owes to everyone else is much greater than no duties whatever. God articulated no direct answer to Cain's question, "[A]m I my brother's keeper?" (v. 4:9). But this object lesson indicates that God's answer to that question is "Yes, to some extent". But the fact that the human race is still in the ***law-enforcement epoch*** shows that the human race is still exploring the parameters of these duties. As surely as humanity is still exploring the parameters of the tree-of-knowledge, humanity in the 21st century is still exploring the parameters of these duties that every human owes to every other human, for the sake of discovering the proper jurisdictions of human law. — As indicated above, the reason for this bizarre treatment of murder, and the entire ***anarchy era***, relates specifically to the difference between natural law and human law. Under unmediated natural law, God has a one-to-one relationship with each human. In human law, one or more human enforcers mediate the natural law. Another way of understanding the object lesson of the ***anarchy era*** is to see that God prefers unmediated natural law over natural law that is mediated by humans. This is because the one-to-one relationship between God and his creatures is the rule throughout all of creation. In contrast,

1 It's common knowledge these days that numerous scientists doubt the veracity of the flood narrative. That the flood happened as biblical fact is absolutely certain. Whether or not the flood happened as secular fact may be an important issue in many respects, but it is not important to this hermeneutic. The point that needs to be emphasized in this hermeneutic is that regardless of whether or not the flood happened as secular fact, the sequence of events in Genesis 4:1-11:9 have absolutely profound implications for the understanding of biblical jurisprudence, especially the Bible's prescription of secular human law.

natural law that is mediated by fallen creatures is inherently prone to being natural-law enforcement in which humans pretend to be God over other humans. It's a kind of idolatry in which humans set themselves up to be worshipped. So God generally prefers anarchy to human government. But humans are so depraved that anarchy is not viable. The fact that He later mandated human law shows that God knows that pure anarchy will not work in the out-of-the-garden milieu that exists between Eden and the New Jerusalem. Humans are incapable of meeting this ideal of unmediated natural law in their fallen condition. Even so, they can come much closer to it than they've come thus far in human history, and the colossal abuses of statism in the 20th century make it obvious that humanity MUST move closer to the unmediated natural law. Knowing that God prefers unmediated natural law over natural law that is mediated by sin-soaked humans should encourage that move.

The fact that God established a major impediment to any human executing human justice against murder shows God's disdain for human law, as compared to the regime of unmediated natural law.[1] If this is true in regards to murder, there's no reason to think it's not also true of other kinds of other-inflicted damage. So the penalties levied against murderers in the antediluvian era stand as an object lesson given by God to the entire human race. The object lesson is essentially that even though God prefers natural-law enforcement unmediated by fallen creatures, humans are too depraved for anarchy, and they're too depraved to be trusted to act as sovereigns over any other humans.[2] The default position is that God doesn't trust humans to execute justice against other humans. So why should humans trust other

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1 God knew that people who seek political power are usually lovers of themselves; lovers of their own self-exaltation; and lovers of fame, fortune, and the praise of men; rather than lovers of God. He knew that people who seek power in this world are rarely people who love Him more than they love such power. In short, He knew that people who tend to get into governing other people are too often prone to being psychopaths. And if they are not morally demented when they enter office, they tend to get corrupted by the power they find there. So the point He is making through deliberately allowing anarchy before the deluge is that He prefers for people to be governed by Him, that is, by eternal law, natural law (as it pertains to self-government), and by divine law (as it pertains to self-government), rather than by human law. The point is that human law is too error-prone. It's too prone to corruption. It's too prone to human mischief. That God had this posture, that people should be governed directly by Him, rather than by some human intermediary, is confirmed at the transition that Israel made from theocracy to monarchy. (1 Samuel 8:10-20)

2 It could be argued that this couldn't be true, because God certainly allows parents to be sovereigns over their children. But the theology that comes out of this hermeneutic holds that the Bible describes parents more in the role of *bailees* of their children's rights

humans in this? The answer is that they shouldn't. Neither God nor any human should trust any fallen human to execute justice against any other human, but this refusal to trust human government is not boundless. The fall is too radical, and humanity is too corrupt, for humans to be naive about their governments. This is one of the basic lessons of this antediluvian, out-of-the-garden era. It's one of the primary lessons of this ***anarchy era***, although it's certainly not the only lesson.[1]

God so loathes color of law human law that violates natural rights and natural law that he marked his prescription of global human law with a massive disclaimer.[2] The ***anarchy epoch*** is, in effect, the disclaimer.[3] In the disclaimer, God tells all humans that they are not qualified to enforce the natural law. Despite the disclaimer / object lesson, God acquiesced to the need to protect natural rights based on the following line of reasoning: How can humanity ever develop the aggregate-dominion-over-all-the-earth polity without setting real boundaries for human behavior? If the boundaries are not enforced, then the boundaries don't exist. If boundaries don't exist, then there is no hope of developing the aggregate-dominion-over-all-the-earth polity, and no hope for the New Jerusalem. The enforcement of these boundaries by humans, is a crucial aspect of humanity's maturation into a race of miniature sovereigns. Such societal enforcement of boundaries is to the aggregate-dominion-

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than as sovereigns over their children. See Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

1 This call to distrust humans in regards to human law needs to be mitigated by the fact that all humans should trust God completely. This means that all humans need to recognize that God has chosen to use humans as secondary causes in the enforcement of the specific subset of natural law called natural rights. It's crucial to avoid the tendency for skepticism about human capacity to execute justice to turn into skepticism about God's will. After doing all one can to make the implementation of human law good and *de jure*, there comes a time to accept the limits of human law and thereby allow the natural law to take precedent.

2 An articulation of this disclaimer appears in Porter, **Theodicy**, Chapter F, "Subject Matter of the Positive-Duty Clause (Nature of the Penalties)". — Also see "The Noachian Covenant", below.

3 God prefers to be the head of humanity without any merely human intermediaries. He would rather allow natural law to bring people like Cain and Lamech to justice than to have other fallible people take charge. He prohibited the existence of human government in the ordinary sense, before the deluge specifically to make the point that **His first choice is *no government*.** This is parallel to His preference with regard to the transition from theocracy to monarchy (1 Samuel 8:10-20): **His first choice then was *minimal government*.**

over-all-the-earth polity what the individual's dominion over his/her own mind is to the individual's dominion in general.

Although it's true that the Bible progressively reveals the natural law, the Bible's prescription of human law doesn't follow exactly the same pattern. The prescription of human law is always directly connected to some principle of the natural law, but the prescription of human law is crude and imperfect. While the natural law remains eternally perfect, God accommodates His description of natural law to human capacity. The Bible's prescription of human law is crude and imperfect because humanity is crude and imperfect. Likewise, God's descriptive revelation of natural law is not perfect, even though natural law is perfect, because God must accommodate His descriptive revelation to human imperfection.[1] The degree of crudeness in the biblical prescription of human law is inversely proportional to the degree of the target audience's understanding of the moral-law leg of the natural law. If crudeness is understood to be the opposite of sophistication, then this inverse proportionality can be expressed as a direct proportionality like this: The degree of sophistication of the biblical prescription of human law is to the eternally changeless behavioral standards of sinless miniature sovereigns what the audience's understanding of the moral-law leg of the natural law is to the eternally changeless moral-law leg of the natural law. So the biblical prescription of human law at any given point in **progressive revelation** is not the same as the Bible's progressive description of the moral-law leg of the natural law. They are not the same, but they are related by this direct proportionality. The degree of sophistication of the Bible's prescription of human law at any given point in **progressive revelation** is directly proportional to the degree of the target audience's understanding of the moral-law leg of the natural law. The greater the crudeness of the Bible's prescription of human law, the less understanding of the moral-law leg of the natural law the target audience has. So even though the natural law never changes, and even though the Bible progressively reveals it, the prescription of human law is not so obviously progressive. It is rather a function of the moral sophistication of the audience. Obviously the moral sophistication of the anarchy-era people was low. The moral sophistication of the survivors of the flood was only slightly better. That's why the mandate in Genesis 9:6 is so terse, and why it must wait for millennia, and for the expansion of human knowledge, to be fleshed out.

The primary lesson of the ***anarchy era*** is that when **primary** and **secondary** property are not safeguarded with punishment to anyone who would violate it, the

1 Note that this does not impugn the doctrine of biblical infallibility. Even when God's communication must be accommodated to human capacity, there is always core truth in what He communicates.

society exercising such neglect self-destructs, or is destroyed by an "act of God", or both. When the core natural right to one's life is disregarded by an entire society, and people are allowed to get away with murder, there is no justice for the victim or for anyone else, except by way of the natural law devoid of human law.[1] When there is no respect for **primary property**, there is no reason to respect **secondary property**. At some point, the corruption is so monumental that there is no societal hope for escape from the vortex sucking the entire society into oblivion. This pattern is repeated over and over and over again in human history. When God saw that every intent of the thoughts of man's heart was only evil continually, he terminated the whole epoch. God is absolutely justified in having low regard for human government, and every human who loves God needs to view human law with similar skepticism. Although human law is a necessary aspect of the road towards the New Jerusalem, humans are so prone to abusing human law that only constant vigilance can keep it from going bad. This is the most basic lesson of this ***anarchy era***. Although the flood terminated the anarchic society, the ***anarchy era*** was officially terminated by the Noachian covenant, more specifically, by the bloodshed mandate (Genesis 9:6). The Noachian covenant was thereby the inauguration of the ***law-enforcement epoch***, an era that humanity still inhabits. The ***law-enforcement epoch*** is built on a disclaimer stating that human law is necessary, but one should always be vigilant about its implementation.

Similar to the way partaking of the tree-of-knowledge was followed by the fall, where the fall was a major change in humanity's environment, which required modifications to the existing global covenant, likewise, allowing murder to go unpunished resulted in anarchy, and the ***anarchy era*** was terminated by the flood and the Noachian covenant. The Noachian covenant is the inauguration of the ***law-enforcement epoch***, which lasts practically until the move into the New Jerusalem.

1 Galatians 6:7 says, "Whatever a man sows, this he will also reap". Cain sowed murder; so it is reasonable to believe he reaped the same. But this harvest was not immediate, but rather probably came in the form of eternal death.

Part II

Chapter 7:
The Noachian Covenant
(*Law-Enforcement Epoch* — Genesis 8:20-9:17)

God so loathes color of law human law that violates natural rights and natural law that he marked the prescription of global human law with a massive disclaimer. To get a crisp statement of the disclaimer, it's necessary to keep God's prescription of global human law, which appears in Genesis 9:6, within the context of the ***anarchy era***'s object lesson. To keep this context, it's necessary to keep the **exegesis** moving chronologically through the historical narrative, starting at Genesis 8:20. — Genesis 8:20-9:17 manifests the Noachian covenant. That this is a blood covenant is made clear in 8:20. Genesis 8:13-19 describes the final days of Noah and his family on the ark. God had destroyed all the people and all the land animals except those in the ark. Out of gratitude for being saved from the flood, Noah built an altar to God.

> 20 Then Noah built an altar to the Lord and took some of every clean animal and some of every clean bird and offered burnt offerings on the altar.
>
> 21 And when the Lord smelled the pleasing aroma, the Lord said in his heart, "I will never again curse the ground because of man, for the intention of man's heart is evil from his youth. Neither will I ever again strike down every living creature as I have done.
>
> 22 While the earth remains, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease."
>
> 1 And God blessed Noah and his sons and said to them, "Be fruitful and multiply and fill the earth.
>
> 2 The fear of you and the dread of you shall be upon every beast of the earth and upon every bird of the heavens, upon everything that creeps on the ground and all the fish of the sea. Into your hand they are delivered.
>
> 3 Every moving thing that lives shall be food for you. And as I gave you the green plants, I give you everything.
>
> 4 But you shall not eat flesh with its life, that is, its blood.
>
> 5 And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man.

6 "Whoever sheds the blood of man,
by man shall his blood be shed,
for God made man in his own image.

7 And you, be fruitful and multiply, increase greatly on the earth and multiply in it."
8 Then God said to Noah and to his sons with him,
9 "Behold, I establish my covenant with you and your offspring after you,
10 and with every living creature that is with you, the birds, the livestock, and every beast of the earth with you, as many as came out of the ark; it is for every beast of the earth.
11 I establish my covenant with you, that never again shall all flesh be cut off by the waters of the flood, and never again shall there be a flood to destroy the earth."
12 And God said, "This is the sign of the covenant that I make between me and you and every living creature that is with you, for all future generations:
13 I have set my bow in the cloud, and it shall be a sign of the covenant between me and the earth.
14 When I bring clouds over the earth and the bow is seen in the clouds,
15 I will remember my covenant that is between me and you and every living creature of all flesh. And the waters shall never again become a flood to destroy all flesh.
16 When the bow is in the clouds, I will see it and remember the everlasting covenant between God and every living creature of all flesh that is on the earth."
17 God said to Noah, "This is the sign of the covenant that I have established between me and all flesh that is on the earth."

(Genesis 8:20-9:17; **ESV**)

Much of the several chapters that precede this passage is an offer feedback loop between God and Noah. Much more than in the two preceding covenants, Noah's cognitive consent to participation was required. The offer feedback loop can be seen to start at 6:13, where God starts telling Noah about His plans "to make an end of all flesh". In 6:14, God starts telling Noah to make the ark, and how to make it. He tells Noah that He intends "to destroy all flesh in which is the breath

of life" (v. 6:17). But it's clear that God intends to spare the animals and people on the ark from this mass destruction. He intends to establish His covenant with Noah (v. 6:18), and to thereby deliver Noah and his family.[1] — If it were entirely up to Noah's so-called "free will", Noah could have said, "No, God! I think I'd rather drown with all these other fools." By doing this, Noah could have avoided making covenant with God, and from doing any of the work that preceded the covenant. But evidenced by Noah's cooperation, Noah gave both pre-cognitive and cognitive consent to participation in the covenant. This cooperation culminates in Noah building an altar, slaughtering animals, and offering burnt offerings thereon (v. 8:20). God responds to the burnt offerings by making promises (8:21-22) that are rightly considered terms of the covenant, which is evidence of further acceptance of the covenant. After giving more terms in 9:1-7, God makes it emphatically clear in 9:8-17 that this is an "everlasting covenant" (v. 9:16) with Noah, Noah's offspring (v. 9:8), "every living creature" that came out of the ark (v. 9:10,12), "all flesh that is on the earth" (v. 9:15,17), and the entire earth (v. 9:13).

Sub-Chapter 1: Overview of the Noachian Covenant

God saved eight people to start this new epoch in human history. While the flood ended the old epoch, the new epoch officially started when God made a covenant with Noah and with all of his family. According to this passage and the rest of Scripture, the entire human race in this new epoch has Noah as a common ancestor, with the sole exceptions of Noah's wife and his sons' wives. Because God tells Noah that this covenant is "with you and your offspring after you" (v. 9), it's reasonable to understand that this multitude of people is the *in personam* jurisdiction of the Noachian covenant, and it's reasonable to understand that this multitude enters this covenant primarily through pre-cognitive consent. — The covenant that God made with Noah is the first covenant that self-identifies as a covenant by using the Hebrew word, *b'rit* (Strong's #1285). Because this is a covenant, it has legally binding terms that still apply to anyone who is party. As will be evident as this **exegesis** examines this passage in more depth, because this covenant upgrades the Adamic covenant through **progressive revelation**, this is the only covenant mentioned in Scripture to which all humanity in this post-diluvian epoch is party. This **exegesis** will also make it clear that Genesis 9:6 contains the first law in Scripture that God mandates that human beings enforce against other human beings. It's reasonable to refer to this mandate as a prescription of globally applicable human law, because that's precisely

1 Genesis 6:18 contains the Bible's first occurrence of the word, *b'rit* (Strong's #1285).

what it is. Because the Noachian covenant is a perpetual covenant, and because it is therefore still in effect, and because it contains this term that prescribes human law to which all human beings are subject, it's reasonable to call the epoch after the flood the "law-enforcement epoch". The human race is still in this ***law-enforcement epoch***, evidenced by the fact that this is clearly not an age of conscience devoid of human law.

When God says "I will establish my covenant with you" (v. 6:18a), this is like an offer made by a trusted parent to a favored child. It's reasonable to take this statement by God to Noah as the initial offer towards establishment of this covenant between God and Noah. When God tells Noah in Genesis 6:18 that He's going to establish covenant with him, this is the more formal beginning of the offer feedback loop. Then in Genesis 6:19-21, God tells Noah what to bring aboard the ark. When Genesis 6:22 says that "Noah did … all that God commanded him", it shows that Noah was accepting God's offer. Like a child being offered a choice between a trip to the amusement park and a beating with a broom handle, Noah takes the more promising option and accepts God's offer. This is more evidence of a covenantal offer feedback loop. The feedback loop is further confirmed when God tells Noah, "I have seen that you are righteous before me in this generation" (Genesis 7:1).

The fact that this offer feedback loop is much more protracted than the offer feedback loops in the Edenic and Adamic covenants says something important about the kind of agreement necessary for participation in this covenant. In both of the two preceding covenants, the consent necessary for participation was entirely pre-cognitive. But the protracted nature of this covenant's offer feedback loop indicates that cognitive consent is also extremely important. When God says to Noah in verse 6:18, "I will establish my covenant with you, and you shall come into the ark, you, your sons, your wife, and your sons' wives with you", it's reasonable to assume that God is drawing not only Noah, but also Noah's wife, his sons, and his sons' wives, into participation in the same covenant. But the extent to which the participation of these seven other people is pre-cognitive, and the extent to which it's cognitive, is another issue that should be explored as this **exegesis** continues.

Genesis 7:2-8:19 describes all the people and animals that were in the ark, and it describes the flood. In Genesis 8:20 Noah continues this offer feedback loop by building an altar to God. He "offered burnt offerings on the altar".[1] God "smelled the pleasing aroma" of Noah's covenant offering, and He said in His heart, "I will

1 When Noah "offered burnt offerings", its reasonable to assume that he slaughtered one or more animals before doing so, because that was normal biblical practice when offering burnt offerings. This act of offering these blood sacrifices was both part of the offer feedback loop, and a sign of the covenant. Because, after the Edenic covenant, blood

never again curse the ground because of man" (v. 8:21). God had already cursed the ground twice because of man, once at the fall in the Adamic covenant, and once by way of the flood. Now God says to His heart that He will not curse the ground any more, because God and nature fully acknowledge that "the intention of man's heart is evil from his youth" (8:21). So there's no need to curse the ground, the background for His global covenant, the territorial jurisdiction of His universal covenant, any further. So He also says that He will never "again strike down every living creature as I have done" (v. 8:21). Even though God said these things, literally, to His heart, the fact that this statement appears within the context of a blood covenant indicates that it should be understood to be a covenantal promise. A rational extension of this promise appears more poetically in verse 22, where God states that as long as the earth exists, the earthly cycles of nature upon which humans depend – "seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease".[1] So this promise is clearly a term of the covenant in which God obligates Himself to keep this promise.

If this covenant consisted entirely of God's promise to never cause the normal cycles of nature to cease as long as the earth exists, then this would be a gift given by God to the human race. In contrast to a gift, a contract / covenant consists of mutual obligations and benefits. In a gift, one party receives benefits without any obligation to give anything in return. As indicated above, what God gets from entering into covenant with humans is a population of miniature sovereigns who worship Him eternally. The fact that the consideration of the Adamic covenant is inherited by this covenant makes it evident that striving to be miniature sovereigns is at least one of the obligations that humans owe to God through this covenant. There are more benefits given by God and more obligations owed by humans, further proving that this is a contract and not a mere gift.

In Genesis 9:1, God speaks to Noah and his sons. This is evidence that Noah's sons are pre-cognitively party to the covenant even if they are not cognitively party. But the fact that God is speaking to the sons is evidence that God is appealing to their cognitive faculties, and thereby inviting them into being cognitively party, if they are not already cognitively party. — In this verse, God is reiterating the be-fruitful-and-multiply creation ordinance that originated in Genesis 1:28a. This is more evidence that the terms of these constitution-level covenants are cumulative, in other words, that each blood covenant is a set of amendments and appendments to

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sacrifices were part of all the constitution-level covenants in the Bible, it's reasonable to classify such covenants as blood covenants.

1 So much for Chicken Little and the climate alarmists.

the pre-existing covenant, so that there is only one global covenant in effect during any given period of time.

Genesis 9:2 also reiterates a creation ordinance. When God says, speaking of every beast, bird, creeping thing, and fish, "into your hands they are delivered", He is essentially reiterating the "take dominion" creation ordinance in Genesis 1:28b. Because these creation ordinances are sufficiently addressed above, there's little or no reason to speak of them in more detail in this context, except that "fear … and … dread" are more than mere "dominion". It's possible to dominate creatures without striking them with "fear … and … dread". So it's reasonable to understand this verse as a modification to the pre-existing take-dominion term of the global covenant, a slight amendment to it. This slight modification is related to the next verse.

Genesis 9:3 states clearly that God is telling "Noah and his sons" that "fear … and … dread" shall be on the animal kingdom, instead of a peaceful dominion, because "Every moving thing that lives shall be food for you". Genesis 1:29 clearly indicated that God gave the vegetable kingdom to mankind for food. This is confirmed by Genesis 2:9,16; 3:18. So in the Noachian covenant, God shifts humans from being herbivores to being omnivores.[1] This is clearly another amendment to a term of the pre-existing global covenant.

Genesis 9:4 stipulates a condition that Noah and his sons, and all the parties to the Noachian covenant, must meet if they intend to eat animal flesh. The condition is that they "shall not eat flesh with its life, that is, its blood". A face-value reading of this verse might conclude that God is commanding that when the parties to the Noachian covenant eat animal flesh, the blood of that animal should be drained before the flesh is consumed. Although this may be true, and although this command may be taken as a precursor to laws under the Mosaic covenant that pertain to cleanness, and to food preparation and consumption, the core issue in 9:4 for this **exegesis** is the equivalency established between life and blood. This equivalency points back to Cain's murder of Abel, at which time God told Cain, "The voice of your brother's blood is crying to me from the ground" (Genesis 4:10). It's reasonable to understand that God is hereby telling the parties that if they're going to eat animal flesh, then they should at least respect the animal enough not to eat its very life. But whatever God's motives in including the 9:4 obligation in the covenant, the equivalence of blood and life has far more profound implications for the biblical prescription of global human law than concerns about cleanness and food.

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1 God had never given them meat to eat before, but He had given them the vegetable kingdom. But the fact that Abel was a shepherd, and brought "fat portions" from his flock as an "offering" to God (Genesis 4:4), presents doubt to any claim that the pre-deluge human race was strictly vegetarian.

In the first phrase in Genesis 9:5, God tells the parties that "for your lifeblood I will require a reckoning". What does He mean by "lifeblood"? In verse four, He just equated "life" with "blood". So in verse 5, when He says "lifeblood", He must mean life and blood as a hybrid concept. Given the context, paraphrasing, God is saying, "I didn't demand an accounting from people in general for Abel's blood. From now on, I am demanding an accounting." The next phrase says, "from every beast I will require it and from man." Require what? — An accounting. — An accounting for what? — An accounting for lifeblood. The last phrase in Genesis 9:5 says, "From his fellow man I will require a reckoning for the life of man." From every man God will demand an accounting for the other man's life. — This is an obvious response to Cain's answer to God. After Cain killed Abel, God asked Cain, "Where is Abel your brother?" (Genesis 4:9). Cain answered, "I do not know; am I my brother's keeper?" God then answered by telling Cain that he was "cursed from the ground" (v. 4:11). "When you work the ground, it shall no longer yield to you its strength." (v. 4:12) Cain and all murderers would be cursed by nature. But Cain and all murderers would not be cursed by man, or even accountable to man, because God protected murderers with a seven-fold curse. In this clause in Genesis 9:5, God is changing the penalty. Paraphrasing, He says, *Yes! From now on, you are your brother's keeper, at least when it comes to this accounting for lifeblood.*

In some respects, even before this Genesis 9:5 mandate to "Noah and his sons", God already required an accounting for human blood. Cain was cursed by God by being "cursed from the ground". He was protected from retribution from humans, but he was nevertheless punished by a higher justice. In Genesis 9:5, God reiterates that there is an accounting. But when He says, in effect, *Yes! You are your brother's keeper with respect to lifeblood.*, He's pointing to a change in the method of accounting, but He hasn't yet specified what this change is. So it's reasonable to consider Genesis 9:5 as a term of the covenant, but it's more like a prelude to a term. It does not yet specify a new obligation, at least with respect to human shedding of human blood. When God, through nature, demands an accounting for the shedding of human blood, He is in effect demanding such accounting as a function of natural law. He is thereby demanding that humans not murder other people. The avoidance of murder is thus an obligation owed by people to God. The obligation is a creation ordinance that derives from Genesis 1:26a&27a, and that derives from having the *imago Dei* and natural rights. The penalty for murder under this creation ordinance is precisely the penalty applied to Cain. The penalty is to be cursed by God and nature, but not by humans. This is the system of accounting that existed when Cain killed Abel: God would execute justice through natural law, but not through human society. But Genesis 9:5 indicates that God is changing this system of accounting in this new covenant.

Verse 5 is clearly about the shedding of human blood. In verse 4, God has already made it clear that human parties to this covenant are accountable for animal blood. He did this by instructing the parties to "not eat flesh with its life", which common sense says is a command to drain the blood before eating the flesh. So this draining of the animal's blood must be what God is talking about when He speaks of keeping people accountable for animal blood. But when verse 5 says, "from every beast I will require" an accounting for "your lifeblood", God is clearly talking about animals shedding human blood. In the same way that He's saying that He's going to demand an accounting from people for shedding human blood, He's saying that He's going to demand an accounting from animals for shedding human blood. Given that animals are parties to this covenant, animals avoiding the shedding of human blood stands as an obligation owed by animals to God. If God punished Cain through nature, then it's reasonable to assume that the penalty against animals when animals shed human blood will also be through nature, at least if one confines one's perspective to Genesis 1:1 through Genesis 9:5.

Regardless of whether the perpetrator of the bloodshed is an animal or a human, verse 5 is saying, in effect, (i)God will use nature to procure an accounting against perpetrators of bloodshed; (ii)God demands that all parties to this covenant owe Him the obligation of avoiding the shedding of human blood; (iii)the penalty for bloodshed will continue to be a curse from God and nature through natural law; and (iv)"From his fellow man" God "will require a reckoning for the life of man". The only things that are new in verse 5, relative to the ***anarchy era***, are (a)the more explicit equivalence of life and blood, (b)the indication that animals will be held accountable to God for the life of man, and (c)the more ambiguous indication that "From his fellow man" God will require an accounting "for the life of man". This seeming ambiguity in this new method of accounting is clarified in the next verse.

Genesis 9:6 explicitly marks this radical shift in the Biblical epochs. In this verse, God says "Whoever sheds the blood of man, by man shall his blood be shed". The meaning in practically every translation is the same: Within the context established by anarchy-era murders, if any human being murders another human being, all human parties to this covenant are hereby commanded to take retribution against the murderer. This applies regardless of whether the murderer is an animal or a human. This is a new obligation. Until now, all the human obligations in the global covenant go directly from human to God. But this verse broadens that vertical obligation. — God says Be Happy (Genesis 9:1), so the human parties are obligated by God to be happy. God says Drain the Animal Blood (v. 4), so the human parties are obligated by God to do that. God says Don't Commit Bloodshed, and I Will Demand an Accounting If You Do (v. 5); so the human parties are obligated by

God to avoid committing bloodshed. In verse 6, God clarifies the new system of accounting by saying, Kill the Murderer and anyone else who sheds human blood. — Everything before now has pertained primarily to vertical relationships between God and parties. Now this new mandate appends a horizontal relationship with other people to this vertical relationship with God. In some respects, this was already true in regard to things like marriage contracts and natural rights. But here God creates a new obligation by saying, paraphrasing, *You are hereby obligated to execute justice against perpetrators of bloodshed.* This is a radical break. It terminates the ***anarchy era*** in an obvious and official manner. The penalty for bloodshed changes. Before verse 5, the penalty was to be cursed by God and nature, but not by people. Now the penalty for perpetrating bloodshed is not only to be cursed by God and nature, but also to suffer retribution from the human parties to this covenant.

This new obligation owed by human parties to God, is the execution of justice against humans and animals for the shedding of human blood. This new obligation fuels a bunch of questions: Why is God mandating this obligation? — What is bloodshed anyway? Is it OK to murder someone with a bloodless death, say, with poison? — If a frail old woman, say, Noah's wife, sees a strong young man murder someone, say, one of Noah's sons murders his wife, is this frail old woman supposed to execute retribution against him? Fat chance! A frail old woman who is alone has little ability to take a strong young man into custody. — What if someone wounded someone else, shedding the victim's blood, but it was only a minor wound? Does the Genesis 9:6 mandate apply to that? What if it was an accident? — If one finds a mutilated body, but one doesn't know how it became mutilated, whether it was murder, or who committed it, how is one supposed to bring retribution? With a vigilance committee? — There is an abundance of issues that arise under the auspices of this term. It's practically impossible to properly explore the ramifications of this term of the covenant without resorting to the rich jurisprudential knowledge base that has developed in Christendom over the last two thousand years. It's necessary to examine verses 4-6 in depth, and to carefully interpret those verses by way of the jurisprudential genre. Much of what remains of this chronological **exegesis** will be necessarily dedicated to exploring the ramifications of Genesis 9:4-6 by way of this jurisprudential knowledge base. The remainder of this chapter will be focused on laying the foundation for this exploration. The remainder of this section, this overview of the Noachian covenant, will be focused primarily on expounding the elements of the covenant, starting by answering one question: Why is God mandating this obligation?

This verse ends with a reiteration of something that God has said before: "for God made man in his own image." The same idea is expressed in Genesis 1:26,27;

5:1. Again, because the *imago Dei* is related to a creation ordinance, this clause in 9:6 is a restatement of a term in the Edenic covenant. This clause says specifically why God is mandating against bloodshed: Because He wants His image, even in humans, to be honored, not defiled. It confirms that all the humans in the ***law-enforcement epoch*** are made in God's image just as much as the humans in the Edenic era. The difference between the *imago Dei* in the Edenic era and the *imago Dei* in the post-***anarchy era*** is that in the former, the people who had the *imago Dei* also had "preternatural powers", minds that had not been corrupted by sin, and "beatific" relationships with God, while the post-anarchy people had none of these. Even so, this motive clause in verse 9:6 makes it abundantly clear that God still considers humans to have the *imago Dei*.

Given that the shed blood in Genesis 9:6 is a metaphor representing something much more complex, it's necessary to expound this verse much more thoroughly through the jurisprudential genre in order to understand the full implications of the obligations in this verse. This **exegesis** provides that in-depth examination after this overview. In the meantime, the following claims should suffice as a placeholder for that more thorough examination: Genesis 9:6 contains the first and only global prescription of human law in the biblical chronology. To interpret it properly, it's necessary to interpret it within the context of Genesis 9:4. Genesis 9:6 says,

> Whoever sheds the blood of man,
> by man shall his blood be shed,
> for God made man in his own image.[1]

There is virtually no difference in meaning between this expression in English and the source expression in Hebrew. The same is true for verses four and five. The word "shall" in 9:6 indicates that this is a mandate. In other words, God is commanding everyone party to this covenant to do what the verse says. How what it says is understood depends almost entirely upon how shed blood is defined. To understand the meaning of "blood", it's necessary to look at verse four. In verse four, life and blood are equated. Because of this equation, Genesis 9:6 can be rephrased like this:

> Whoever sheds the life of man,
> by man shall his life be shed,
> for God made man in his own image.

Reading 9:6 within the context of 9:4 makes it obvious that the shed blood in 9:6 is a metaphor. Many Bible readers assume that Genesis 9:6 is about murder. But it's

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1 By reading it in context, it's clear that the shed blood is metaphorical. The metaphor's underlying concept is any kind of genuine damage done by one person against another. See Porter, **Theodicy**, Part II, Chapter A, Sub-Chapter 3, and Part II, Chapter B. — URL: http://BasicJurisdictionalPrinciples.net.

possible to shed human blood without murder, and it's possible to murder without shedding human blood. This means that blood in Genesis 9:6 is metaphorical, because blood is clearly not the core issue. Given that the shed blood is metaphorical, the obvious next question is: What does the metaphor stand for? Genesis 9:4 indicates that blood is used metaphorically to refer to life. It's possible to shed some of a human being's life without shedding all of it. So shed blood must be the same as damage to a person's life. In other words shed blood refers not merely to murder but to a *corpus delicti*, a dead, damaged, or injured human being.[1]

Genesis 9:7 is a reiteration of the blessing in 9:1, which is reiteration of the be-fruitful-and-multiply creation ordinance. In that verse, God says, "And you, be fruitful and multiply, increase greatly on the earth and multiply in it." With respect to "be fruitful and multiply", the Hebrew is the same in both verses 1&7. As far as this **exegesis** is concerned, this is essentially the same contractual term as in Genesis 9:1.

Genesis 9:8 states again that God is speaking "to Noah and to his sons with him". By all that's been said thus far, it's certain that Noah is party to this covenant. But the status of the sons has not been as certain. It's certain that God has been speaking the words of the covenant to both the sons and Noah since verse 1. Genesis 9:9-10 confirms that not only is this covenant between God and "Noah and his sons", but it's also with "your offspring after you, and with every living creature that is with you, … as many as came out of the ark; it is for every beast of the earth." God is here indicating that the parties of this covenant include Noah, his sons, all their descendants, and "every beast of the earth". This certainly includes all of humanity in the ***law-enforcement epoch***. It's probably reasonable to assume that Noah's wife, Shem's wife, Ham's wife, and Japheth's wife are included by a combination of pre-cognitive consent and through their marriage contracts. It definitely excludes all humanity that lived before the flood. But it definitely includes all of post-diluvian humanity. — This is the first indication of what the duration of this covenant is. When God says, "I establish my covenant … with your offspring after you", it obviously means that this covenant lasts until the last descendant is dead.[2] So this covenant is global, because it includes the entire human race living on planet earth in the 21st century.

In Genesis 9:11, God reiterates again that He is establishing His covenant with Noah and his sons. When God says, "never again shall all flesh be cut off by the

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1 See Porter, **Theodicy**, Part II, Chapter B. — URL: http://BasicJurisdictionalPrinciples.net.

2 Or appropriately disposed of in some other way.

waters of the flood, and never again shall there be a flood to destroy the earth", this is obviously a reiteration of the commitment God made to Himself in 8:21-22. But God is hereby more formally assuming this as a covenantal obligation, a promise He's making to all parties.

In Genesis 9:12-13, God says, "This is the sign of the covenant that I make between me and you and every living creature that is with you, for all future generations; I have set my bow in the cloud, and it shall be a sign of the covenant between me and the earth." Although offering burnt offerings (v. 8:20) can be construed as the sign of a covenant, this "bow" is the special sign of this particular covenant. Usually when humans enter into written contracts, the parties ensure that the contract is enforceable by giving a sign of their approval and agreement. This is usually a person's signature. In this covenant, God puts His signature on the contract by putting a rainbow in the sky. — "This is the sign of the covenant that I make". — In some respects, the shedding of animal blood and the offering of burnt offerings is the sign of the initiation of a blood covenant, while there are other signs for the covenant's ratification. In this blood covenant, the rainbow is both the sign of the covenant's ratification and the sign of its continued existence. The fact that God says, "it shall be a sign", is evidence that this rainbow is not only the ratification sign of the covenant, but that it is also the recurring sign – a sign that reappears at times in the future as a confirmation of the existence of this covenant. — These two verses not only introduce the covenant's sign. They also tell more about the parties. God says, "the covenant that I make between me and you and every living creature that is with you". This makes it explicit that Noah's wife and his sons' wives are also included in this covenant, because they are certainly creatures. So every human being alive after the deluge is party to this covenant, which is proven further by the phrase, "for all future generations". But the prepositional phrase at the end of 9:13 is also revealing. It indicates that the covenant is between God and the entire earth. This is evidence that God is in covenant with all of His creation.

Genesis 9:14-15 further indicates that the covenant's recurring sign is to be a memorial, a reminder of the existence of the covenant. It's like pulling out a written contract and looking at the signatures at the bottom as a reminder of who is party to the contract. When God says, "every living creature of all flesh", it's obvious that even fish and earthworms are included as parties to this covenant. When He says, "the waters shall never again become a flood to destroy all flesh", this is more confirmation of what He's already said in Genesis 8:21 and 9:11.

Genesis 9:16 contains confirmation of the covenant's sign, duration, and parties. When God says, "When the bow is in the cloud, I will … remember the everlasting covenant", He's confirming the recurring sign. By saying, "everlasting covenant",

He's indicating that like the global covenants before it, this covenant lasts forever. The duration is forever. When He says the covenant is "between God and every living creature of all flesh that is on the earth", He's saying the parties include God and all terrestrial life, even including microbes.

Genesis 9:17 reaffirms that the sign of this covenant is the rainbow. It also reaffirms that the parties are God and "all flesh that is on the earth". The resumption of normal historical narrative in verse 18 indicates that the covenant passage ends at the end of verse 17. Verse 19 gives confirmation that all post-diluvian people are party to the Noachian covenant by saying, "These three were the sons of Noah; and from these the people of the whole earth were dispersed." So this is certainly a global covenant. — The fact that no recurring sign is mentioned that is given by humans to God, makes sense, since (i)God doesn't need to have this covenant signed by humans to know that all humans are party; and (ii)humans don't need to have this covenant signed by other humans because it's obvious that all humans are party, even if they don't like it.

Sub-Chapter 2: Introduction to the Jurisprudential Ramifications of Genesis 9:4-6

Genesis 9:4-6 mark the official overthrow of the polity, or lack of one, that existed during the ***anarchy era***. While the flood terminated the ***anarchy era***, these three verses officially replace it with a completely different set of principles upon which to build the post-flood social superstructure. The verses, especially verse 6, are essentially the only prescription of global human law that appears anywhere in the Bible. This is essentially the foundation for the ***law-enforcement epoch*** that replaces the ***anarchy epoch***. But these verses are so dense, jurisprudentially, that they cannot be properly interpreted without resorting to concepts embedded in extra-biblical jurisprudence. Relying entirely upon the Bible doesn't suffice to discover the *sensus literalis* of these verses, evidenced by the fact that even the concept of jurisdiction does not exist intra-biblically with sufficient rigor to facilitate interpretation. These three verses must be understood to be an inherently jurisprudential genre of literature. To discover the *sensus literalis* of these verses, it's necessary to read them as jurisprudential literature. It's necessary to use an extra-biblical jurisprudential knowledge base while staying firmly within the biblical context. In short, to interpret these verses properly, it's necessary to recognize these three verses, especially 9:6, as existing within a jurisprudential genre of literature that requires comprehension of jurisprudential concepts. Even though this is true, it's necessary to recognize the hazards that exist by way of the fact that the jurisprudential knowledge base contains a slough of human error. To avoid the

slough, it's necessary to focus on whatever features of this knowledge base emphasize what has already been posited **exegetically** as true, especially that natural law and natural rights exist and are crucial. So the extra-biblical jurisprudence needs to be confined to laws, legal philosophy, case law, *etc.*, that can be proven to be compatible with what's already been established as true in this **exegesis**. A first step in that direction can be taken by assuming that the jurisprudential knowledge base should be confined to legal traditions that have been influenced by biblical Christianity. That assumption narrows the scope of the knowledge base to Christendom. Because the *united States* has explicitly adopted the Declaration of Independence as foundational law,[1] and because the Declaration acknowledges the importance of natural rights and natural law, this scope can be narrowed further to traditional Anglo-American jurisprudence. This traditional jurisprudence has recognized both natural law and natural rights, even if the Anglo-American legal community currently does not. The reader should understand "traditional Anglo-American jurisprudence" to mean especially the American Declaration of Independence, Constitution, Bill of Rights, and common law, along with the theological and philosophical background that facilitated these things.

Traditional Anglo-American jurisprudence has certainly never been perfect. It's easy to make arguments against this tradition with true and valid claims like these: (i)The Constitution allowed the existence of slavery, which clearly violated natural rights. (ii)The common law did not allow married women to own property in their own name (via coverture), which clearly violates natural rights to own property. (iii)The common law disallowed marriage between races (miscegenation), which clearly interfered with the natural right to contract. Even though these and many similar violations of natural rights existed in this legal tradition, it's also true that this legal tradition sometimes shielded the individual against unlawful state power. So this tradition is a mixed bag. But it's important to recognize that there are conceptual nuggets within that bag that can be used to facilitate interpretation of these three verses. The core distinction between what's useful and what's not pertains to whether or not the given concept upholds natural law, natural rights, and the other legal concepts that are already established by this **exegesis**. — For clarity's sake, it's probably prudent to review some of the jurisprudential principles already established.

(i) Review & Preview — Laws

In order to better understand the distinction between human law and natural law, it's important to know who is promulgating the law. Are humans promulgating

1 Evidenced by the fact that the Declaration appears early in the Statutes-at-Large.

the law, is God, or are both? It's also necessary to know who is designated to enforce it. Is the designated enforcer a human, or is it God, or is it both? Because God is the prime mover, the first cause of everything that happens in the universe, these promulgation and enforcement questions are probably better expressed like this: Is a human or group of humans a secondary cause of the promulgation and enforcement of a law, or not? If humanity is a secondary cause of the promulgation and enforcement of a law, then even though the law may also be a natural law, the law is a human law.

Because every human has the *imago Dei*, every human has natural rights. Natural rights are just claims that all people have as a result of being created with the *imago Dei*. Living within the behavioral boundaries of the *imago Dei* demands that people not only exercise their own natural rights, but also acknowledge the natural rights inherent in other people. So one person's natural rights are another person's natural obligations. Such just claims are called "natural" because the Creator endows all people with them. It's critical for any lawful human government to be a supporter and defender of natural rights, rather than an abuser of natural rights. In fact, whether a government and its laws defend and protect natural rights, or abuse natural rights, is crucial to determining whether a human government and its laws are lawful, or not. Towards that end, it's important to recognize this distinction:

> The principle distinction between the terms 'lawful' and 'legal' is that the former contemplates the substance of law, the latter the form of law. To say of an act that it is 'lawful' implies that it is authorized, sanctioned, or at any rate not forbidden, by law. To say that it is 'legal' implies that it is done or performed in accordance with the forms and usages of law, or in a technical manner. … Further, the word 'lawful' more clearly implies an ethical content than does 'legal.' The latter goes no further than to denote compliance, with positive, technical, or formal rules; while the former usually imports a moral substance or ethical permissibility.[1]

Comparing and contrasting "lawful" and "legal" leads to the conclusion that lawful pertains to human law that is morally sound, while legal pertains to human law that is not necessarily morally sound. — As already established, the moral-law leg of the natural-law tripod inevitably contains the concept of natural rights. That's because natural rights are inseparable from the image of God that is built into every human being. So there is an inevitable nexus between human possession of the *imago Dei*, miniature sovereignty, and possession of natural rights. So if human A behaves in a way that does not conflict with the fact that human B has the *imago Dei*, then A is

1 **Black's 5th**, p. 797.

abiding by the natural law with respect to B's rights. So B's natural rights impose a natural obligation on A, such that A is obligated to recognize and respect B's rights. Close inspection of Genesis 9:4-6 will prove that recognition of natural rights and obligations is the basis for lawful human law.

Penalties are a necessary feature of human laws, a feature without which the laws cease being genuine laws. Laws that are not enforced with penalties and consequences for violation, are laws in name only. This is true regardless of whether such human laws are lawful or not.

Common sense and common decency demand that the right to contract is a basic natural right, a right that is built into the moral-law leg of the natural law. But this natural right to contract doesn't guarantee that the laws that arise out of a contract are consistent with other natural rights. The fact that contracts generate their own special jurisdictions entails a corollary fact that lawful local contracts can generate human law that gives the *prima facie* appearance of being in conflict with humans laws lawfully grounded in the global covenant. This is a core issue to be addressed in the coming detailed **exegesis** of 9:4-6.

Even though Romans 13 gives a facial appearance to the contrary, there is no explicit global ordination of human government, by God, anywhere in the Bible. But there is certainly ordination of global human law. Genesis 9:6 is where that ordination of global human law exists, and it's the only place in the Bible where such global ordination of human law appears. Because law without penalties and enforcement is law in name only, any biblical prescription of human law is necessarily prescription of whatever aspects of human government are necessary for the enforcement, adjudication, and execution of the prescribed human law. The prescription of human law is therefore implicitly prescription of human government. The prescription of human law in Genesis 9:6 is implicitly a mandate to enforce natural rights. It is therefore implicitly a mandate to establish human government, which is also necessarily a government limited to punishing violations of natural rights.

Regarding the nature of natural rights, as miniature sovereigns, humans have God-given claims to ownership of their own bodies, along with needs and potentials for ownership of other things. The natural state of every human being is that each human owns his/her life and his/her body. All Christians, by definition, give their bodies and lives to God.[1] So Christians are stewards of what God owns. But the natural state is that all humans own their lives and their bodies. Because it's so basic, it's reasonable to call ownership / stewardship over life and body "**primary**

1 Romans 12:1; 1 Corinthians 6:19-20.

property". It's also reasonable to call ownership / stewardship of these other things "**secondary property**". **Secondary property** includes real property (land and fixtures thereto) and personal property (chattel). It also includes the privileges that arise out of contracts. This is because the right to contract is a fundamental natural right, as surely as the right to pursue ownership of real and personal property is a natural right. These are extremely basic natural rights whose existence no orthodox Bible scholar should doubt. The detailed **exegesis** will show that such natural rights are the ideological motive for the biblical prescription of global human law. Such natural rights are also the basis for defining what lawful human government and lawful human law are, versus what counterfeit laws and governments are.

To reiterate, natural rights are just claims that all people have as a result of being created with the *imago Dei*. Living within the behavioral boundaries of the *imago Dei* demands that people not only exercise their own natural rights, but also acknowledge the natural rights inherent in other people. So one person's natural rights are another person's natural obligations. Such just claims are called "natural" because all people are endowed with them by their Creator. All humans were endowed with natural rights before the fall (Genesis 1:27), and all humans have been endowed with natural rights after the fall (Genesis 9:6). Natural rights are revealed through both general and special revelation.

The primary distinction between the moral-law leg of the natural-law tripod and human law,[1] is that all natural law is promulgated and enforced by God without regard to whether or not God uses secondary causes in the promulgation and enforcement, while human law is promulgated and enforced by humans. In biblically prescribed human law, God mandates that humans act as secondary causes in the promulgation and enforcement of the specified natural law. Therefore, to whatever extent human law genuinely enforces natural law, humans are acting as secondary causes in the promulgation and enforcement of natural law. But to whatever extent human law violates natural law, rather than enforces natural law, the human enforcers are operating under delusion, they're missing the mark, and they're probably violating natural rights in the process.

The Bible's first prescription of human law is a prescription of global human law, evidenced by the fact that Genesis 9:6 is part of a global covenant. As such, it is the biblical prescription of human law in which humans act as secondary causes in the promulgation and enforcement of the natural-rights subset of the moral-law leg of

1 It's important to emphasize that this is a distinction, not a separation. Human law that is lawful is always and inseparably a subset of natural law, specifically, of the moral-law leg of the natural-law tripod.

the natural-law tripod. The moral-law leg encompasses much more than natural rights. This is evident by examination of Exodus 20. In Genesis 9:6, God clearly mandated that humans punish humans. But in Exodus 20, there's no mention of humans punishing humans. Through Moses in Exodus 20, God is clearly describing natural law, law that God imposes on humans. But there is no evidence in Exodus 20 to indicate how such natural law is to be converted into human law. In other words, there's no mention of a penalty to be executed by humans. There's no certain statement that it should be penalized by humans and thereby converted into human law. ***Unless there is an explicit mandate for humans to penalize humans, for humans to presume,*** *a priori****, that they should penalize amounts to a presumption that they should usurp God's authority as the promulgator and enforcer of natural law.*** Even if it does nothing else, the object lesson of the ***anarchy era*** vitiates that presumption.

The most important facet of the moral-law leg pertains to the human's relationship with God. This priority implicitly appears in Exodus 20:2-11. This facet of the moral-law leg has little or nothing to do with the enforcement of natural rights. It pertains to being utterly monotheistic, to eschewing idolatry, to avoiding profanation of God's name, and to keeping the Sabbath holy. Exodus 20:2-11 certainly refers to God punishing violations of these commandments. But it says nothing about humans punishing human violators.

Another facet of the moral-law leg pertains to the exercise of wisdom in human relations. This can be seen in Exodus 20:12,14,16,17. This aspect of the moral-law leg also has no immediate relation to the enforcement of natural rights. Verse 12 pertains to honoring parents; verse 14 to avoiding adultery; verse 16 to not lying to or about one's neighbor; and verse 17 to not coveting what belongs to one's neighbor. Although these are four important positive and negative injunctions, violating any one of these four injunctions does not necessarily constitute violation of natural rights. (i)If one refuses to honor one's parents, then that will certainly redound to one's detriment in the cosmic order, but that refusal does not constitute violation of the parents' natural rights. This is true as long as natural rights are defined in concrete terms that are readily recognizable by flawed humans, as are things like murder and theft. (ii)If one commits adultery, then this is probably violation of the marriage contract, which certainly redounds to one's detriment in the cosmic order, and is also probably grounds for punishment under the human law existing within that contract. But it's not grounds for punishment under the global prescription of human law. Grounds for punishment under the global prescription of human law is absent when two requirements are not readily met: (a)Violations of natural rights must be defined in concrete terms readily recognizable by flawed humans.

(b)Violations of natural rights must be globally prohibited, and therefore must transcend the jurisdictional boundaries of local contracts.[1] (iii)If one lies to or about one's neighbor, then this might result in damage to someone other than one's self, where such damage is readily recognizable by flawed humans. If this happens, this is certainly violation of the natural rights of the victim, who has a right to not be damaged by someone else's lies. On the other hand, chances are that the lie hurt no one, at least not with damage readily recognizable by humans. If there are no recognizable damages, then the lie exists within the moral realm without crossing into the realm of natural-rights-based human law. (iv)If one covets anything of one's neighbor's, then that certainly violates the moral-law-leg of the natural law, but by itself, it doesn't damage one's neighbor in any concrete, recognizable way. So coveting also has no immediate relation to the enforcement of natural rights.

In addition to encompassing (i)the human's relationship with God without invoking natural rights and (ii)the human's relationships with other humans without invoking natural rights, the moral-law leg also encompasses human relations with humans that certainly invoke natural rights. That the moral-law leg encompasses the prohibition of violation of natural rights can be seen in Exodus 20:13, 15, 16. Exodus 20:13 prohibits murder; 20:15 prohibits theft; 20:16 prohibits lying in a way that clearly damages someone else. Although these are not presented in Exodus 20 as human law, evidenced by the fact that penalties are not readily presented there, penalties are presented elsewhere in the *Torah*, thereby confirming that these are certainly reiterations of, and elaborations on, the Genesis 9:6 prescription of human law.

The whole program of redemption that was started when humanity was exiled from the garden is a program designed to establish a society in which all people are in agreement about what constitutes natural law (*i.e.*, the New-Jerusalem). This is evident by the fact that the take-dominion creation ordinance encompasses the take-aggregate-dominion creation ordinance. The metaphorical statement in Genesis 3:15 indicates, among other things, that humanity would have divine assistance in this progression. The divine assistance exists in the form of the Messiah, the King of the ultimate polity. It also exists in the form of **progressive revelation**, which exists in the form of divine descriptions of natural law and divine prescriptions of human law.[2] But as already indicated above, these two kinds of law exist within a larger legal context, natural law being encompassed by eternal law, divine law

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1 The reasons for these restrictions will be explored in the detailed **exegesis** of Genesis 9:6 in chapters below.

2 Because it's clear that Genesis 3:15 is the "protoevangel", it's also clear that the **progressive revelation** of natural law encompasses what the New Testament calls "the

being encompassed by natural law, and the divine prescription of human law being encompassed by divine law.[1] — According to the line or reasoning that this **exegesis** is discovering in Scripture, eternal law is the aggregate obligations that are contained within the eternal covenant. The eternal covenant is the unchangeable, divinely imposed legal agreement between God and all of God's creation, including mankind.[2] According to this line of reasoning, all other kinds of laws are subsets, either directly or indirectly, of eternal law. Like the eternal covenant, eternal laws are immutable. Eternal law is a constant that keeps the universe intact. If eternal law were not immutable, then the laws that govern the universe would be changeable, and reality would be so slippery that human science would be impossible. Likewise, if eternal law were not immutable, then the laws that govern human behavior would be so slippery that social cohesiveness would be impossible. — Because human law that is in harmony with natural law is the outgrowth of both general revelation and special revelation, such human law can be rightly understood to be the outgrowth of both natural law and divine law.

In **progressive revelation**, the Bible progressively reveals the prominent attributes of natural law through special revelation that occurs over millennia. The nature of the exogenous and endogenous legs of the natural law does not change in **progressive revelation**, and neither does the nature of eternal law, and neither does God. But **progressive revelation** often acknowledges and sometimes instigates changes in the human interface with natural law. So the progressive character of special revelation promotes improvements to humanity through sanctification, including improvement of cognitive abilities. So even though the moral-law leg of the natural law does not change, human cognitive abilities do change through advances in individual

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gospel". But the gospel also emphasizes aspects of the natural law that are unique relative to people and traditions outside its purview.

1 Aquinas, **Summa Theologica**, First Part of the Second Part, "Treatise on Law" (QQ 90-108). — URL: http://www.ccel.org/ccel/aquinas/summa.FS.vi.html, retrieved 16 March 2016. — Even though this terminology may be the same as what Aquinas uses, the definitions are generally not the same.

2 In the same way that humans generally do not cognitively consent to being born, to dying, and to numerous other things that happen in every human life, because these things happen, it must be tacitly assumed that the sovereign God decrees them to happen, either mediately or immediately. It is therefore at a level of existence beyond the human ability to choose, and therefore beyond the realm of human consent, that the human gives pre-cognitive consent to these things, the same way the rest of creation consents to it and allows it. Such tacit consent regarding issues over which humans have no real ability to choose does not eliminate moral agency. This is because moral agency is only relevant when real choice can exist, as it does indeed exist in other circumstances.

and collective sanctification and cognitive skills, thereby gradually exchanging disabilities for abilities. Even so, operation at full cognitive potential is not available to humans outside the New Jerusalem any more than complete sanctification is, the latter only becoming available at the general resurrection.

Because God is God, God is the head, the king, of the universal government. Because humans were designed to be miniature sovereigns, it follows that humans should form some kind of government as inherently subordinated to, and complimentary to, the universal kingdom. In order for human government to exist, human law has to exist. This is because government cannot exist without some form of law that puts the government into action. If human law exists, and if it is consistent with biblical jurisprudence, then the human laws will be terms of some covenant or contract.[1] This is because, in biblical jurisprudence, all kinds of laws are terms of covenants and/or contracts, with the sole exception of human laws that are made by the variety of demented rulers. But no one should consider such fiat decrees by tyrants, misanthropes, and others as an aspect of biblically prescribed human law, because such rules generally miss the mark.

As indicated above, the metaphorical mandate in Genesis 9:6 can be interpreted into its *sensus literalis* through the equivalence between life and blood established in 9:4-6 so that the meaning is essentially this:

Whoever sheds the life of man,
by man shall his life be shed,
for God made man in his own image.

This interpretation leads to the conclusion that shed blood does not merely refer to a murder. It refers to a *corpus delicti*, a dead, damaged, or injured human being. It also leads to the conclusion that the *corpus delicti* must be recognizable by flawed humanity. The *corpus delicti* cannot be so subtle that it tempts humans into usurping God's authority as the promulgator and enforcer of natural law.

Some Reformed theologians have historically interpreted this verse to be about murder, and only about murder. This interpretation is far too narrow because a *corpus delicti* can encompass far more than merely murder. On the other hand, for millennia, Rabbinical Judaism's interpretation of 9:6 has been overly broad. Going back into antiquity, rabbis have found the seven "Noachide Laws" in this passage. These are the Noachide Laws most acknowledged by Talmud scholars:[2]

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1 Evidence that this is true is based on the fact that all laws that are imposed by God in the Bible exist as terms within the biblical covenants.

2 **Babylonian Talmud**, Sanhedrin 56-57.— 1961 printing of English translation by The Soncino Press, Ltd., New York.. — URL: http//www.come-and-hear.com/sanhedrin/

1. Prohibition of idolatry
2. Prohibition of murder
3. Prohibition of theft
4. Prohibition of sexual immorality
5. Prohibition of blasphemy
6. Prohibition of eating flesh from a live animal
7. Establishment of law courts

Given the nature of the New Testament, and especially the scathing things Jesus said in regards to rabbinical interpretations of the *Torah* and *Tanakh*, it would be foolish for any Bible-believing Christian to accept these Noachide Laws as authoritative without first doing due diligence with regard to reliable Christian interpretational policies. Following such due diligence, one comes to the conclusion that in the passage from Genesis 1:1-11:9, only two of these Noachide Laws are mandated as human law. The two mandated as human law are the prohibition of murder and the prohibition of theft. One can certainly view these eleven chapters as revealing the other five as natural law, but there's no evidence supporting interpretation of these five as human law. The mandate to establish law courts can be seen as the rational mechanism by which these human laws against murder and theft are to be enforced.[1] The other four Noachide Laws may be rightly understood to be natural law revealed by the Bible in this passage. But because there are no penalties specified in this passage for these other four, they cannot be treated as human law that's being prescribed by the covenant being promulgated in Genesis 9. By insisting on the interpretational policies that yield these conclusions, this **exegesis** is going against the grain of Reformed interpretations, Christian traditions in general, and Rabbinical Jewish theological traditions. The short answer to the question, Why have these traditions been so wrong for so long?, is that they each suffer from jurisdictional

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sanhedrin_56.html, retrieved 12 July 2016. — These seven precepts are listed in a different order at the bottom of Sanhedrin 56a. As is evident in 56a, and continuing in 56b and 57, there was a diversity of opinion among rabbis about the content of the Noachide Laws. Sanhedrin 56b indicates that "it has been taught: The Israelites were given ten precepts at Marah, seven of which had already been accepted by the children of Noah, to which were added at Marah social laws, the Sabbath, and honouring one's parents". By "social laws" is meant the establishment of law courts. But other rabbis claimed that establishment of law courts was part of the Noachide Laws.

1 Whether or not the establishment of law courts is implicitly mandated as human law will be discussed in detail below. Here's a preliminary finding: Because law without penalties and enforcement is law in name only, and because law courts are crucial to the proper enforcement, adjudication, and execution of violations of the prohibition of murder and theft, it is also necessarily a mandate to establish law courts.

dysfunction. The longer answer to the question is that these traditions are each making hermeneutical mistakes that lead to the jurisdictional dysfunction. The hermeneutical mistakes are evident relative to the correct hermeneutical principles, which this **exegesis** attempts to manifest. Because this **exegesis** is going against the grain of such long-held traditions and ideologies, and because the implications of these interpretational policies are huge, this **exegesis** needs to divulge in much more detail how it reaches these conclusions. So it will do so in the chapters below.

Because Genesis 9:6 is a clear mandate to humans to execute some kind of justice against the human who sheds human life, this is clearly a mandate to enforce human law. Between Genesis 1:1 and 11:9, it is the only such mandate to enforce human law. Numerous other natural laws may be indicated in this passage, where God is by definition the enforcer of such law. But Genesis 9:6 is the only verse in these eleven chapters that clearly indicates that humans must act as secondary cause in law enforcement.[1] To understand specifically what this human law demands, it's necessary to look much more specifically at all the implications. In order to examine Genesis 9:6 in the kind of detail that it deserves, it's necessary to look closely at each clause in the verse. Within the context of the entire verse, the first clause, "Whoever sheds the blood of man", is implicitly a negative commandment, a mandate to not do something. So henceforth, this **exegesis** will call this clause the "*negative-duty clause*". Because the second clause, "by man shall his blood be shed", is explicitly a positive commandment, a mandate to do something, this **exegesis** will call it the "*positive-duty clause*". Because the third clause, "for God made man in his own image", gives the reasons for these duties, this **exegesis** will call it the "*motive clause*".

TO RECAPITULATE: The *motive clause* says, "For in the image of God He made man" (**NASB**). The fact that God has endowed every human being with the *imago Dei* is the foundation of what theology and jurisprudence have called natural rights. Even after the fall, every human being still has the *imago Dei*. The *imago Dei* is the rational source of every human being's natural rights. The possession of natural rights is every human being's inherent, inevitable, and unalienable possession and property.[2] These days human governments do a huge number of things besides

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1 By applying the modern concept of jurisdiction to Genesis 9:6, it's clear that so far this **exegesis** has been focusing on this verse's subject-matter jurisdiction. The subject matter encompasses any human act that causes another human to be dead, damaged, or injured. All three components of jurisdiction, subject matter, personal, and territorial jurisdiction, each demand far more attention, and will get it in the chapters below.

2 Why it's right to call them "unalienable", and the limitations on such unalienability, is addressed in the chapters below.

merely prosecute violations of natural rights. Whether these extra governmental activities are lawful or not is determinable by examining them within the context of Genesis 9:6.

As should be clear by now, human law is nothing more than law that humans impose on other humans. Some people claim that it's the same thing as "positive law". That's because "positive law" is generally the preferred term among lawyers. However, the defining characteristic of positive law is that it is, "Law actually and specifically enacted or adopted by proper authority".[1] Under such a definition, eternal law, natural law, and divine law are each positive law. So it is inherently confusing to claim that human law and positive law are the same. So in this **exegesis**, "human law" is the preferred term. The end of **Black's** definition says, "… adopted by proper authority for the government of an organized jural society". The underlying issue pertains to who one recognizes as "proper authority". All lawful human governments have lawful human laws, and are necessarily outgrowths of lawful contracts and/or covenants. On the other hand, everybody knows that human history is cluttered with bad governments that perpetrate atrocities. It's foolish to think that such tyrannies, and the laws of such tyrannies, are lawful. So it's definitely necessary to define the boundaries between lawful and legal with rigor. The former carries moral content that the latter does not. So this raises a huge question: How does one tell the difference between genuine, lawful, authoritative human law, and human law that amounts to nothing more than the dictates and rantings of a tyrant, a Bolshevik politburo, a dictatorship by a swarm of bureaucrats, a corporate scam monger, or a glorified protection racket? For anyone who genuinely believes in the Bible, this question demands marking a distinction between human law that is biblically prescribed and human law that is not duly prescribed.

Obviously human law can either be consistent with God's prescription of human law, or not. For example, a human law that protects murderers is obviously at odds with Genesis 9:6. But that doesn't stop it from being human law. It just stops it from being biblically prescribed human law. Humans have a penchant for promulgating human laws that are inconsistent with the biblical prescription of human law, and that are often unmitigated evil. People need to be able to judge for themselves whether a human law is good or bad, and the extent to which they will cooperate with it, each in obedience to his/her own conscience.

Strictly in terms of the natural rights subset of the moral-law leg of the natural-law tripod, as long as what person A does is not a violation of B's natural rights, according to Genesis 9:6, person A should be able to do whatever person A wants.

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1 **Black's 5th**, p. 1046.

The natural state of every human being is that each human owns his/her life and his/her body. All Christians, by definition, give their bodies and lives to God.[1] So Christians are stewards of what God owns. But the natural state is that all humans own their lives and their bodies. In addition to the natural right to own **primary** and **secondary** property, to own one's life, and to contract, there is also an obvious right to liberty. The natural right to liberty means that one owns one's capacity to move, to own things, to use one's property in whatever way one sees fit, so long as one is not damaging someone else. For the sake of preserving natural rights from abuse by human governments, it's important to maintain that natural rights are beyond enumeration and closed definitions.

(ii) Review & Preview — Covenants

God unilaterally imposes the biblical covenants on human beings, whereas humans can never unilaterally impose contracts on other human beings without simultaneously laying grounds for the negation of the contract, because contracts are by definition agreements, which by definition require mutual consent.[2] Nevertheless, both every covenant and every contract has terms. Covenants can be thought of as a special variety of contract, as long as one understands the limitations on the human will, *i.e.*, the human ability to choose.[3] It's probably just as valid to claim that contracts are a special kind of covenant.[4] Either way, both covenants and contracts, by definition, have terms. The terms define the obligations and duties that the covenant / contract imposes on those who are party to the instrument. As impositions of duties and obligations, these terms are essentially laws that pertain to those party to the covenant / contract. — If one gets a definition of covenant

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1 Romans 12:1; 1 Corinthians 6:19-20.

2 A more thorough examination of the role of consent in divinely imposed covenants and contracts appears in **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

3 Some things humans can choose. Many things humans cannot choose. The idea that humans have an unlimited ability to choose is negated by the fact that every human has limitations and disabilities that cannot be overcome by mere choice or mere will power. Where there is no choice, tacit consent can sometimes be assumed. Because God is God and humans are human, tacit consent often exists in the biblical covenants. But in contracts between humans, refusal to consent is always an option, with the exclusive exceptions, (i)of guardian-dependent *bailment* contracts in which the dependent's ability to choose, consent, agree is inherently impaired; and (ii)when *prima facie* inculpatory evidence exists that essentially creates an allegation that one has caused another human to be dead, damaged, or injured.

4 "In its broadest usage, [covenant] means any contract." (**Black's 5th**, p. 327)

from a law dictionary, then one runs a higher risk of getting a definition that is too specialized for biblical jurisprudence than if one uses a normal English dictionary. This is especially true given that "['covenant'] is currently used primarily with respect to promises in conveyances or other instruments relating to real estate."[1] A definition from a more-or-less normal American dictionary says,

> covenant — **1:** a usu. formal, solemn, and binding agreement: COMPACT **2 a:** a written agreement or promise usu. under seal between two or more parties esp. for the performance of some action **b:** the common-law action to recover damages for breach of such a contract[2]

This definition also emphasizes the equivalence of covenants and contracts. Such a definition does not adequately account for the possibility that God is party, as God certainly is in all the major covenants in the Bible. So this means that both the law dictionary's definition of "covenant" and the vernacular dictionary's definition are inadequate in biblical jurisprudence.

Out of the more than 280 times that the Hebrew word, *b'rit*, appears in the source text of the Old Testament, it is generally translated to "covenant" in most English translations. It can mean treaty, alliance, league, constitution, or what this **exegesis** is calling a "biblical covenant". So a covenant in the Bible can either be between human and human, or it can be between God and humans. This **exegesis** is following a convention of speaking only of biblical covenants between God and humanity as being "biblical covenants". This **exegesis** is therefore focused on the numerous instances in which the biblical covenants are mentioned, where the biblical covenants are limited to the Edenic, Adamic, Noachian, Abrahamic, Mosaic, and Messianic (Christian) covenants.[3] Each of these covenants is divinely imposed, meaning that God imposes it on at least some of humanity, where genuine parties become parties through pre-cognitive consent / agreement which is confirmed by cognitive consent.

Even though the biblical covenants are divinely imposed, human consent does play a role in the implementation of each of these biblical covenants. This may seem paradoxical, how a legal instrument can be divinely imposed and decreed,

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1 **Black's 5th**, p. 327.

2 **Webster's 7th**, p. 192.

3 Some people may insist on including the Davidic covenant in this list of biblical covenants. The Davidic covenant is certainly important in **progressive revelation**. But it is not as important in biblical jurisprudence as these others… To see the role it plays in **progressive revelation**, see Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 8, "*Two-House Portal*". — URL: http://BasicJurisdictionalPrinciples.net.

on one hand, and allow for human consent, on the other. This is not an either-or impediment to deciphering Bible-based jurisprudence, evidenced by the existence of pre-cognitive consent, as described above. Human consent is important enough in the implementation of these biblical covenants for normal jurisprudential analysis to be applicable to them. So the basic ideas about jurisdictions, laws, and covenants / contracts sketched above are applicable, as long as due respect for the source language and plain meaning of the Bible exists. Such respect necessarily demands peaceful coexistence between God's sovereign imposition and decree, on one hand, and the human's consent as miniature sovereign, on the other. For many people who are ambivalent about being party to any of the biblical covenants, talk, in the same breath, about God sovereignly imposing laws and humans necessarily consenting, may conjure visions of Christianoid terrorists enforcing mass obedience. Wherever there's a failure to give due regard to the distinction between human law and natural law, such visions may be apropos. But if due diligence is exerted towards that distinction, then that fear is simply paranoia.

According to well-established extra-biblical jurisprudence, every contract is a type of agreement.[1] All agreements are not contracts, but all contracts are agreements. The same situation exists with respect to the relationship between covenants and agreements. Agreement, consent, assent are essential to the covenant's existence.[2] But covenants, especially biblical covenants, have unusual

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1 **Black's 5th** defines agreement as, "A coming together of minds; a coming together in opinion or determination; the coming together in accord of two minds on a given proposition. … Although often used as synonymous with 'contract', agreement is a broader term; *e.g.* an agreement might lack an essential element of a contract." (**Black's 5th**, p. 62). — People can agree that the moon is made of Swiss cheese, but such an agreement imposes no obligations that are recognizable in a court, and the parties to the agreement receive no benefit that is recognizable in a court, and there are no promises. So most courts would treat such an agreement as frivolous, and outside its jurisdiction.

2 Covenants and contracts are essentially agreements. The biblical covenants differ from contracts in that the biblical covenants are divinely imposed, and therefore involve pre-cognitive consent. In some of the biblical covenants, the consent of human parties appears to be negligible to non-existent, but this can be explained by the existence of pre-cognitive consent. Because some covenants apply to all human beings regardless of the human's cognitive consent, the author calls these covenants "global". In the local biblical covenants, even though the covenants are divinely imposed, participation in such covenants by humans is more overtly a function of the human's cognitive consent. The author calls these covenants "local" because they do not apply to all humans without regard to cognitive consent. Both global and local biblical covenants contain descriptions of natural law and prescriptions human law. — The role of consent in both global and

characteristics with respect to the nature of such consent. All agreements are not contracts or covenants because all agreements do not create obligations. In contrast to agreements, all contracts and covenants always create obligations, by definition. If biblical jurisprudence is properly understood and implemented, obligations that arise out of contracts and covenants are synonymous with laws. So all contracts, covenants, and biblical covenants generate laws, and agreement / consent is crucial to the creation, implementation, and enforcement of such laws. But because God both divinely imposes the biblical covenants, and is party to the biblical covenants, it's necessary to use a definition of consent / agreement that recognizes limitations on the ability to choose. Where there is no ability to choose, there is no explicit ability to consent or agree, but there may be an implicit ability. In the case of contracts, the comatose are not able to consent. Infants and children lack capacity for informed consent. The mentally ill or demented, ditto. In such circumstances, the natural rights of such disabled or incapacitated people are reasonably *bailed* into the custody of a guardian, parent, trustee, *etc.*, for their protection until the disabled person dies or grows out of their disability, or until the *bailment* ends by some other means. The custodian / *bailee* thereby has the capacity to consent, or not, for the disabled until the *bailment* ends. This is a kind of contract in which consent by the disabled is tacit.[1] — In the case of the biblical covenants, the situation is similar. Each of the biblical covenants is divinely imposed, as though the human race were *bailed* into God's custody.[2] Under the jurisdiction of several of these biblical covenants, there is absolutely no ability to opt out of the covenant, therefore, no ability to choose not to participate, therefore, no ability to consent or dissent in the cognitive sense of those terms. For the other biblical covenants, there may be an ability to opt out. Such jurisdictional distinctions will be examined in chapters below.

Like the distinction between the biblical covenants and ordinary covenants / contracts, the lawfulness of human law and human government revolve around the nature of consent / agreement. Because human law can either be consistent with God's prescription of human law, or not, human government can either be lawful or unlawful. Humans have an ability to create human laws that are inconsistent with the biblical prescription of human law, and human governments can be likewise inconsistent. The Noachian covenant first mentioned in Genesis 6:18, whose

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local covenants is explored more thoroughly in Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

1 For more about such *bailment* contracts, see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

2 Because the human race is, in fact, *bailed* into God's custody. This is especially true as long as the human race exists between the garden and the New Jerusalem.

promulgation is recorded in Genesis 8:20-9:17, certainly contains **progressive revelation** regarding the natural law. But as far as this exposition of global biblical jurisprudence is concerned, the most important term of the Noachian covenant is the first biblical prescription of human law. For reasons explained in more detail below, the most obvious covenantal obligations in the Noachian prescription of human law are the obligation to avoid damaging other people and the obligation to execute justice against people who damage other people (9:6). The refusal by human A to acknowledge the right of human B to consent / dissent with respect to an offered contract is tantamount to a threat by A to damage B. Under both biblical jurisprudence and customary American human law, the rule is that people have a natural right to agree to participate in a contract, or not, according to their own discretion. When people operate on the assumption that other people consent, where the assumption is not reinforced by solid evidence, the people making the presumption are operating at their own risk. This has been plain, obvious, and indubitable in Anglo-American jurisprudence for several centuries.[1] Normal, adult human beings are not non-consensually *bailed* into other humans' custody, even though every human being is in many respects *bailed* into God's custody.

It's clear that the Adamic covenant consisted largely of changes to the Edenic covenant, the two combining to form a single covenant that was applicable to the entire human race up to the moment that the Noachian covenant was promulgated. It's also clear that the Noachian covenant also consisted largely of changes to this pre-existing biblical covenant. Also, like the Edenic / Adamic covenants, the Noachian covenant has jurisdiction over the entire human race from the moment of promulgation forward. This pattern of appendment and/or amendment of terms to the pre-existing biblical covenant by a subsequent biblical covenant continues throughout the Bible. In other words, each biblical covenant consists of a set of appendments and/or amendments to the pre-existing biblical covenant, where the appendments / amendments come into existence by way of **progressive revelation**. So the Abrahamic covenant contains a set of modifications to the Noachian covenant, thereby creating a new covenant; the Mosaic covenant contains a set of modifications to the Abrahamic covenant, thereby creating a new covenant; and the Messianic (Christian) covenant contains a set of modifications to the Mosaic covenant, thereby creating a new covenant.

While this arrangement may be an obvious aspect of the biblical narrative, one very radical distinction between the Edenic / Adamic / Noachian covenant and subsequent covenants is the difference in personal jurisdictions. The personal

1 But as most of the world's nations have moved gradually towards totalitarianism, this ancient coincidence of a biblically prescribed standard and human law is being trashed.

jurisdiction of the Noachian covenant includes the entire human race since promulgation. But the personal jurisdiction of the Abrahamic covenant only includes Abraham's family, descendants, and adoptees. Rather, it's even more limited than that. The Abrahamic covenant includes only family, descendants, and adoptees as offerees. In other words, Abraham's family, descendants, and adoptees may be offered partnership in the Abrahamic covenant, but only those who accept, agree, assent, consent, either tacitly or explicitly, actually become party. Furthermore, some of Abraham's physical descendants might not even receive the offer. For example, Ishmael may have been Abraham's son, but he was not offered participation in the covenant. People who are not offered partnership, or who refuse partnership, are automatically excluded. This pattern that starts in the Abrahamic covenant continues in the Mosaic covenant and the Messianic covenant. In the Messianic covenant, there is certainly a covenant-based attempt at a global offering, but to date, there has been no global acceptance. — The point is that there is a radical distinction between the global *in personam* jurisdiction of the Noachian covenant and the inherently local *in personam* jurisdiction of the three subsequent biblical covenants. Because the Noachian covenant has a global *in personam* jurisdiction, it applies to everybody whether they like it or not. But the Mosaic covenant has a local *in personam* jurisdiction, meaning that even though the natural law expounded in the Mosaic covenant applies to all humans, the human law prescribed by God in the Mosaic covenant only applies to people who cognitively consent to being party to the Mosaic covenant. This is true with the exception of the human law that the Mosaic Covenant inherits from the Noachian covenant by way of the Abrahamic covenant. So the exception is human law prescribed in the Mosaic covenant that is clarification and reiteration of the human law prescribed in the Noachian covenant, which still has global *in personam* jurisdiction by way of its Noachian origins. The Noachian covenant applies regardless of cognitive consent. But with the exception of prescription of human law that is reiteration of human law prescribed in the Noachian covenant, the human law prescribed in the Mosaic covenant applies by way of cognitive consent, not regardless of cognitive consent. Even though the Messianic covenant attempts to make a global offer, and is distinct from the Mosaic covenant in that respect, it has a local *in personam* jurisdiction because it is limited by cognitive consent. So whatever human law is prescribed in the Messianic covenant that is not reiteration of human law prescribed in the Noachian covenant applies by cognitive consent, exactly as in the Mosaic and Abrahamic covenants.[1]

1 Even though this is true about the distinction between global and local terms within these local covenants, it's also nevertheless true that genuine parties to these covenants

The crucial point is that the only globally applicable human law prescribed in the Bible is in Genesis 9:6. The three subsequent biblical covenants certainly contain **progressive revelation** of natural law. But the bottom line is that NONE of the human laws prescribed by the local covenants is applicable as human law to people who are not party to those covenants, except the reiterations of the Genesis 9:6 mandate. These are obvious conclusions from doing jurisdictional analysis of the local covenants. No human law is prescribed in the local covenants that is globally applicable, except human law that is clearly reiteration and clarification of Genesis 9:6.[1]

Clearly, the biblical narrative holds that all people alive these days are party to the Noachian covenant regardless of whether they like it or not. So in regards to this biblical covenant, all humans are either covenant keepers or covenant breakers. But no one gets to opt out. How this translates into human law is necessarily far more nuanced, but the basis for such translation is still global personal jurisdiction. The personal jurisdiction of the Noachian covenant includes God and the entire post-diluvian human race. — Claiming that someone is party to a covenant or contract regardless of whether they like it or not naturally generates apprehension among those ambivalent or unwilling to participate. When jurisdictional limitations are understood, this apprehension ceases to have any reasonable basis, except among people who are committed to violating other people's natural rights.

As indicated above, this **exegesis** contends that all morally reliable laws – regardless of whether they are eternal, natural, or biblically prescribed human laws – exist as terms within covenants / contracts. In order to get and keep a holistic view of Bible-based jurisprudence, it's necessary to understand every contract or covenant as defining the jurisdiction of the given contract or covenant.

(iii) Review & Preview — Jurisdictions

While natural law is the subset of eternal law that humans are capable of understanding, and it can therefore be characterized as law imposed by God upon humans, human law is law imposed by humans upon humans. Because both theology and jurisprudence ignored this distinction for so long, and because the

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are drawn into them by pre-cognitive agreement, *i.e.*, by a force instigated by God and irresistible to the human.

1 Examples: Exodus 20:13 prohibits murder; 20:15 prohibits theft; 20:16 prohibits perjury. Although these are not presented in Exodus 20 as human law because penalties are not readily presented there, penalties are presented elsewhere in the *Torah*, thereby confirming that these are certainly reiterations and clarifications of the Genesis 9:6 prescription of human law.

results of such ignorance have been increasingly grim starting several millennia ago, the distinction needs to be emphasized until it is commonly understood. This is a crucial aspect of biblical jurisprudence. If there is no explicit mandate in a passage of the Bible indicating that humans should punish humans who violate a biblical mandate, then there is no prescription of human law there.[1] Under such circumstances, ***if humans presume that they should punish the violating human, in the absence of a biblical mandate to do so, and in the absence of a valid contract indicating that they should do so, then such people are presuming that they should usurp God's authority as the promulgator and enforcer of the natural law***. Such usurpation is a violation of boundaries that is the essence of missing the mark. It is the error at the core of every tyranny. Such boundaries are identified in traditional American jurisprudence by the word, "jurisdiction". There's no good reason not to use the same word, and largely the same concept, in Bible-based jurisprudence. It identifies a perfectly rational and valuable concept that needs to be recognized and used in theology. Refusal or failure to properly apply this concept leads to what this **exegesis** is calling "jurisdictional dysfunction". The biblical narrative being expounded here certainly acknowledges such dysfunction. Recognizing a problem's existence is usually crucial to finding its solution. The Bible absolutely offers a solution, but not without acknowledgment of the dysfunction's existence.

Similar to the way the concepts of human law, natural law, and eternal law are subject to the encompassing concept of the biblical covenant, the biblical covenants are subject to the more fundamental legal concept of jurisdiction. These three fundamental kinds of law are subject to covenants and contracts, and likewise covenants and contracts are subject to the concept of jurisdiction. The Bible's source text may rarely be translated into the word jurisdiction, but that doesn't mean that the concept doesn't implicitly exist in the Bible. The fact that the defining attributes of jurisdiction exist in the Bible is evidence that the concept is compatible with reliable biblical **exegesis**.

If one gets a definition of jurisdiction from a law dictionary, then it's probable that one will get a definition that is too specialized for biblical jurisprudence. Resorting to a more ordinary dictionary, this is what it says:

> jurisdiction — **1:** the power, right, or authority to interpret and apply the law **2:** the authority of a sovereign power to govern or

1 The existence of a negative duty does not automatically entail the existence of a positive duty to enforce the negative duty.

> legislate **3:** the limits or territory within which authority may be exercised[1]

The second definition is obviously broad enough to encompass eternal law and natural law, as well as human law. To keep a holistic view of what the Bible says about law, it's necessary to comprehend that all laws, contracts, biblical covenants, *etc.*, are subsidiary to the encompassing concept of jurisdiction.

Jurisdiction in the normal legal sense pertains to a rudimentary concept that applies to the delineation of a court's power and authority. Biblical jurisprudence must define jurisdiction in an even more rudimentary sense. In the meaning that applies most directly to discerning biblically prescribed human law, jurisdiction pertains to the power and authority of any person or group of people to execute human law, (i)against **primary property** and **secondary property** (including human bodies, labor, real property, chattel, and power to contract), (ii)with regard to a specific subject matter (e.g., regarding a specific type of damage), and (iii)within a specific geographical location. Based on these criteria, jurisdiction has three requirements for (or components to) its lawful existence: (i)jurisdiction over the person (personal jurisdiction, a.k.a. *in personam* jurisdiction); (ii)jurisdiction over the subject matter (subject-matter jurisdiction); and (iii)jurisdiction over the geographical location or territory (geographical jurisdiction, a.k.a. territorial jurisdiction). — Because biblical jurisprudence encompasses not merely biblically prescribed human law, but also eternal law, natural law, and divine law that transcend human law, jurisdiction has a meaning that transcends human law, unlike the normal legal definition.

As indicated above, the biblical narrative implicitly holds that all laws that are morally sound – regardless of whether they are eternal, natural, or biblically prescribed human laws – exist as terms within covenants / contracts.[2] In order to get and keep a holistic view of Bible-based jurisprudence, it's necessary to understand all contracts and covenants as defining the jurisdiction of the given contract or covenant. It's a long-acknowledged standard in Anglo-American jurisprudence that three aspects of jurisdiction must exist before a court, legislature, government, *etc.*, genuinely has jurisdiction.[3] These three components are jurisdiction over subject

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1 **Webster's 7th**, p. 461.

2 Evidence that this is true is found in the fact that all laws that are imposed by God in the Bible exist as terms within the biblical covenants.

3 Evidence that this is true can be found in places like the **Federal Rules of Civil Procedure**, Rule 12. — The three aspects of jurisdiction are, (i)personal jurisdiction, (ii) subject-matter jurisdiction, and (iii)geographical jurisdiction. Note that in Rule 12, "venue" is equivalent to territorial / geographical jurisdiction. (**Federal Rules of Civil Procedure**, effective September 16, 1938 & amendments effective December 1, 2006,

matter, jurisdiction over personage, and jurisdiction over the relevant territory.[1] Because these distinctions are extremely important, and because following them is insurance against abuse of power, this **exegesis** adheres to these concepts, identifying these three aspects of biblical jurisdiction like this: Subject-matter jurisdiction is jurisdiction over the subject matter (*e.g.*, over the damage to human life, in the case of Genesis 9:6). Personal or *in personam* jurisdiction is jurisdiction over the person (*i.e.*, over the one who allegedly caused the damage to human life). Geographical or territorial jurisdiction is jurisdiction over the territory (*e.g.*, where the damage to human life occurred).

Every lawful contract, covenant, and biblical covenant either expressly or impliedly defines the subject-matter jurisdiction of the contract, the *in personam* jurisdiction of the contract, and the territorial jurisdiction of the contract.[2] If a governmental body has jurisdiction over each of these features of jurisdiction, then according to long-existing jurisprudence along with common sense, the governmental body has jurisdiction. As indicated, there are three prerequisites to jurisdiction, and each of

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contained within **Minnesota Rules of Court: Federal**, 2007, Thomson/West, St. Paul, Minnesota. — URL: http://www.law.cornell.edu/rules/frcp/, retrieved 20 June 2016.) — Most States also recognize *in rem* jurisdiction. *In rem* jurisdiction (jurisdiction over a thing) can either be treated as the same as a combination of personal and subject-matter jurisdiction or as the kind of jurisdiction that exists in admiralty and maritime cases. In the latter kinds of cases, *in rem* jurisdiction suffers the same jurisdictional dysfunction as the thinking that initiates such an *in rem* legal action. Such claims to jurisdiction, and such legal actions, cannot be considered valid features of biblical jurisprudence. Only personal, subject-matter, and territorial jurisdictions mesh with a reasonable, holistic reading of the Bible, for reasons that should be obvious as this **exegesis** proceeds. The reasons revolve around the fact that in order for a thing to be recognized by a court, it needs to be recognized as property that is owned by someone. To allow the existence of *in rem jurisdiction* is to allow courts to take possession, and therefore *de facto* ownership, as the court sees fit. This is a grant of power to human government that exceeds the grant called for in Genesis 9:6. It is therefore inherently jurisdictional dysfunction.

1 By now it's clear what the Noachian covenant's *in personam* jurisdiction is. It includes the entire human race. This **exegesis** has also presented a preliminary description of the subject-matter jurisdiction of its prescription of human law. It includes damage to human life, exclusively. It's also obvious what the territorial jurisdiction is. Based on the way Genesis 9 is written, it's obvious that wherever human beings are, the Noachian covenant has territorial jurisdiction. The territorial jurisdiction, also known as the geographical jurisdiction, is everywhere.

2 This is always true of the biblical covenants. Based on this fact, this **exegesis** claims that the biblical narrative holds that it should be true, and is in fact true, for all covenants and contracts.

these prerequisites must be satisfied before jurisdiction exists. Before jurisdiction exists, jurisdiction over the person must exist; jurisdiction over the subject matter must exist; and jurisdiction over the territory must exist. If any one of these three attributes of jurisdiction is missing, then all claims to jurisdiction are bogus. Because God is omniscient and omnipotent, he never lacks jurisdiction. Because humans are ignorant, finite, and flawed, they often lack jurisdiction. That's as true of government officials as it is of anyone else, which is precisely why government officials need to be under constant scrutiny. — This conception of jurisdiction has extremely important implications for biblical jurisprudence because, among other things, it tends to minimize the abuse of biblical law.

Jurisdiction is extremely important to the proper parsing and understanding of biblical legal boundaries.[1] Applying the concept of jurisdiction to biblical law may be a novel concept among theologians. But, given the present wretched condition of practically all human societies, governments, and institutions, including the visible Church, this application is desperately needed. In trying to read the Bible rationally, while using jurisdiction as a legitimate interpretational protocol, one comes to the conclusion that the Noachian covenant has personal jurisdiction over all people. It has what this **exegesis** has been calling a global *in personam* jurisdiction. One also concludes that the most significant aspect of the subject-matter jurisdiction of Genesis 9:6 is given in the *negative-duty clause*, which mandates that every person avoid shedding the life of the other people, which it's reasonable to interpret as damaging other people. The second most significant aspect of the subject-matter jurisdiction is given in the *positive-duty clause*, which mandates that every person execute justice against anyone who damages other people. One also concludes that the territorial jurisdiction is also determined by the Noachian covenant as a whole, which is wherever humans may be.

Reading strictly to determine what humans are party to the Noachian covenant, it's clear that all humans who survived the deluge, and all their descendants forever into the future, are party to the Noachian covenant. This is true regardless of whether people cognitively consent to being party or not. If one does not give due regard for the distinction between human law and the **progressive revelation** of natural law, as each exists within the Noachian covenant, then the claim that all humans alive in the 21st century are party to the Noachian covenant, regardless of whether they like it or not, may sound terrifying to people who have no confidence in the biblical covenants. Such people may envision forced obedience to the Noachian

1 This includes resolving the so-called "continuity-discontinuity problem" in the relationship between the Old and New Testaments, as will be evident as this **exegesis** proceeds.

covenant. By definition human force is appropriate for the enforcement of valid human law. It is not appropriate for natural law, except the lawful human-law subset thereof. Because Genesis 9:6 is the only prescription of human law in the Noachian covenant, it is the only term of the Noachian covenant in which force by humans, executed against other humans, is required. But to avoid the abuse of such power, it's imperative that jurisdiction be established before enforcement proceeds. Adhering to the three components of jurisdiction: (i)To satisfy subject-matter jurisdiction, one needs a *corpus delicti*, a damaged body. (ii)To satisfy personal jurisdiction over Person A, one needs evidence that A caused the *corpus delicti*. (iii)To satisfy territorial jurisdiction, one needs evidence that the *corpus delicti* came into existence at location X, where location X is within the enforcer / adjudicator's territorial purview. The fact that only human law can be lawfully enforced by humans against other humans (not natural law exclusive of human law), and the fact that this global human law is subject to these jurisdictional restrictions, should eliminate anyone's apprehension about Christianoid terrorists enforcing the Noachian covenant on a global basis.

As indicated above, the Adamic covenant contained modifications to the Edenic covenant, thereby forming a single covenant that was applicable to the entire human race up to the moment that the Noachian covenant was promulgated. Likewise, the Noachian covenant contained modifications to this pre-existing biblical covenant, and like the Edenic / Adamic covenant, the Noachian covenant has *in personam* jurisdiction over the entire human race from the moment of promulgation forward. In contrast to the Edenic / Adamic / Noachian's inherently global *in personam* jurisdiction, the Abrahamic / Mosaic / Messianic covenant has an inherently local *in personam* jurisdiction. This is because, to be recognized by other people as being party, people must cognitively consent to being party.[1] This means that all the human laws prescribed in these local covenants – with the exception of human laws whose prescription is reiteration of the human laws prescribed in the Noachian covenant – are human laws that can only be lawfully applied to parties. In other words, with the exception of these reiterated Noachian human laws, the human laws prescribed in these local covenants arise out of the contractual nature of these local covenants, not out of a global covenant. No human law is prescribed in these local

1 For centuries many Reformed people have considered their children to be automatically grafted into the Messianic covenant. It's certainly valid to believe by faith that they have pre-cognitively consented to participation in the Messianic covenant by being born to parents who are party. But without clearly visible signs of such agreement, it's difficult to sustain that faith over the long haul. That fact is a sign that cognitive consent is crucial to the function of the Messianic covenant.

covenants that is globally applicable, except human law that is clearly reiteration of Genesis 9:6.

It's absolutely crucial to recognize that the Genesis 9:6 mandate is the Bible's only global prescription of human law. Subsequent biblical covenants certainly have reiterations and clarifications of this global prescription of human law. Subsequent biblical covenants also have prescriptions of locally enforceable human law, meaning applicable to people who have consented to participate in the local biblical covenant. But Genesis 9:6 is the only human law that the Bible prescribes for global implementation. That's why it's extremely important to properly understand its jurisdictional boundaries.

Human history is largely a litany of government abuse of lawful jurisdictions. The fact that the governments of presumably Christian nations have entered into this abuse, this symptom of jurisdictional dysfunction, when distinction between the personal jurisdictions of the global and local biblical covenants is so obvious, testifies to how unbiblical even the most biblical breeds of Christianity have been. But personal jurisdiction is not the only kind of jurisdiction that gets regularly abused.

Even though the subject-matter jurisdiction of the Genesis 9:6 *negative-duty clause* appears to be so obviously damage, and only damage,[1] Christendom has not limited its legal actions to damage. One might conclude that the most significant aspect of the Noachian covenant's subject-matter jurisdiction is that it mandates that all people avoid damaging people, and that all people execute justice against people who damage people. But it's probable that even as far back as the Tower of Babel, human governments have not limited themselves to this subject-matter jurisdiction. Confusion about what constitutes Genesis 9:6 damage has existed for a long time. Part of this confusion relates to ordinary contracts. People enter into contracts, and contracts are often breached. Parties to the contract are inevitably damaged by the breach. The breach therefore needs to be adjudicated. If one does not include breached contracts within the ambit of Genesis 9:6 damage, then one is necessarily concluding that Genesis 9:6 damage is narrower than it in fact should be. The exclusion of contract breaches therefore invites abuse. Clearly, the nexus between contractual and non-contractual damage needs to be examined.

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1 With the understanding that "damage" here encompasses the whole range of a dead, damaged, or injured party, including damage to either or both **primary** and/or **secondary** property.

In ancient jurisprudence,[1] it was acknowledged that all people have obligations not to damage other people.[2] In those days, the obligation to avoid damage was not circumscribed sufficiently and accurately enough to dodge jurisdictional dysfunction. Nevertheless, with the help of concepts from ancient jurisprudence, the line of reasoning being followed by this **exegesis** can eliminate jurisdictional dysfunction as an inevitable feature of the biblical narrative.[3]

As already indicated, all people have a natural right to contract. They have a natural right to enter into binding, obligation-creating agreements with other people. But the obligations created by ordinary contracts are not natural. Rather, they are contractual. Some people might claim that natural obligations are also contractual for reasons that go something like this: All natural obligations arise out of the global covenants. The biblical covenants are kinds and types of contracts. Therefore, the natural obligations are also contractual obligations. So the distinction between natural and contractual obligations is a distinction without a difference. — It is true that the biblical covenants are a type of contract. But as has already been made clear, (i)the biblical covenants are divinely imposed, unlike ordinary contracts, and (ii)the global covenants are non-optional, meaning that consent is tacit, built into the legal instrument at a level that transcends human cognitive processes, and beyond the human ability to choose, agree, or disagree. Ordinary contracts NEVER have tacit consent that is this basic. So it's appropriate that the tacit consent that's built into the global covenants produce obligations that are called "natural". The obligations that arise out of the global covenants are as natural as the rights that demand their existence. On the other hand, it is well known that obligations that arise out of ordinary contracts can be extremely unnatural. They can be perverse violations of the *imago Dei*. So it's inherently wrong to presume that obligations arising out of ordinary contracts are natural. So it's critical to distinguish damage that arises

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1 In Roman law, if one person damaged another, and if the damage was quantifiable in monetary terms, then it was grounds for a legal action *ex delicto*. — See **Dictionary of Greek and Roman Antiquities**, 2nd ed., ed. by William Smith, LL.D., 1870, Little, Brown, and Co., Boston, Massachusetts, p. 817. — URL: https://web.archive.org/web/20130909174041/http://www.ancientlibrary.com/smith-dgra/0824.html, retrieved 18 April 2019.

2 It should be noted that the harm / damage was then, and is now, necessarily "proximate" if it is to be taken as the reason for a legal action. Proximate means that there needs to be a direct and identifiable linkage between cause and harm.

3 Such jurisdictional dysfunction is certainly inevitable in the sense that it, like everything else, has been sovereignly ordained by God through His **decretive will**. But it's not inevitable as though God never provided a polity to eliminate the jurisdictional dysfunction.

from the abuse of natural rights by way of the breach of an ordinary contract from the abuse of natural rights that does NOT arise from the breach of such a contract.[1] Besides this need to distinguish damages into contractual and non-contractual, for the reasons just stated, this distinction between contractual and non-contractual is absolutely crucial to the avoidance of jurisdictional dysfunction because every contract and covenant has its own specific jurisdiction. So the subject-matter jurisdiction of the Bible's global prescription of human law exclusively includes bloodshed, where Genesis 9:6 bloodshed is defined as damage to a human being, where the damage includes death, damage, or injury suffered by **primary** and/or **secondary** property, where the damage can arise out of the breach of a contract or not.

Now that this **exegesis** has explored these conceptual nuggets within the jurisprudential knowledge base, and has addressed the personal jurisdiction and subject-matter jurisdiction of the Genesis 9:6 mandate in a cursory way, it should be obvious what personal jurisdiction and subject-matter jurisdiction mean. It should also be clear by now that the territorial jurisdiction of the Genesis 9:6 mandate exists wherever human beings exist. It should also be clear that ordinary contracts either implicitly or explicitly define their own territorial jurisdictions, in the same way that they either implicitly or explicitly define their own subject-matter jurisdictions and personal jurisdictions. So every contract has its own personal jurisdiction, subject-matter jurisdiction, and territorial jurisdiction. These jurisdictional attributes are either express or implied in every lawful contract. So in the process of making a cursory delineation of the jurisdiction of the Bible's only global prescription of human law, it should be clear what the three components of jurisdiction are. But because throughout history, humans have consistently misconstrued these crucial jurisdictional limitations, it is necessary to look more specifically at the clauses of the

1 Even while making this important distinction between legal actions that arise out of contracts and legal actions that do not, the absolutely crucial thing to recognize is that all lawful legal actions arise out of alleged violations of lawful obligations, regardless of whether those obligations happen to be contractual or natural. To whatever extent a legal action does not arise out of such lawful obligations, the legal action does not arise out of Genesis 9:6. Because legal actions by definition are reactions to violations of obligations, where the reactions entail the use of force, such reactions inherently cause damage to the recipient of the force. So if the obligation being enforced is unlawful, so is the legal action, and so are the enforcing parties. So not only does such a legal action not arise out of Genesis 9:6, but it arises in violation of Genesis 9:6. — All these claims are reliably true as long as one is speaking strictly of biblically prescribed human law, and not natural law. More specifically, the claims are reliable as long as trespass-free violations of natural law are accepted as totally outside the purview of secular human jurisdictions. In other words, trespass-free violations of natural law are legal under globally prescribed human law.

Genesis 9:6 mandate, to make sure the biblical narrative gets interpreted correctly. The next chapter is dedicated to that task.

Sub-Chapter 3:
The Global Covenant after Noachian-Covenant Modifications

(i)created in the image of God: The most crucial modification to the global covenant that happens by way of the Noachian covenant pertains to the *imago Dei* creation ordinance. After the Adamic covenant but prior to the Noachian covenant, a statutory divine edict was appended to this ordinance. That statutory divine edict appears in Genesis 4, where God establishes the sevenfold-vengeance edict. The sevenfold vengeance edict essentially protected aggressors who damaged / injured other people. It protected the aggressor from people who wanted to take retribution against the aggressor.

Prior to the Adamic covenant, people had "preternatural powers" that made them invincible to other-initiated aggression. People then also did not suffer "the noetic effects of sin", so there was no propensity among people to aggress against other people. So there was no problem with other-initiated damage. But Cain's murder of Abel shows that Cain suffered "the noetic effects of sin", and that Abel lacked the invincibility supplied by "preternatural powers". Such aggression clearly indicates a lack of respect in the aggressor for the *imago Dei* in the victim. So the problem clearly arising out of this situation can be summed up with the question, What should be done in response to such aggressive damage? God's statutory edict essentially banned humans from executing justice in such circumstances. It's reasonable to understand that God did this for the sake of establishing an object lesson for the human race. As indicated, the object lesson is this: Although justice through natural law is God's preferred way of dealing with such other-initiated damage, the human race is too depraved for such a *laissez faire* approach to be viable. So after dramatically terminating that object lesson with the flood, God repealed that statutory edict with a constitutional amendment. The constitutional amendment mandated that humans protect the *imago Dei* in all people by executing proportional retribution against aggressors. So this proportional retribution by humans is mandated by God to exist within the ambit of God's preference for executing justice through natural law to the exclusion of human law. So in many respects, it's true that the global prescription of human law is a "necessary evil". It's not God's preferred way to do things,[1] but it's

1 In the same way that God accommodates His communications to humans to human capacity to comprehend, this talk about God deferring His preferences should be understood to be similar accommodation.

necessary because of human depravity. So people still have the attribute of having the *imago Dei*, as confirmed by Genesis 9:6; so people are still called to be miniature sovereigns. But this miniature sovereignty is to be implemented and protected through this new mechanism of globally prescribed human law, as opposed to the system under the ***anarchy era*** in which there was no globally prescribed human law.

(ii)created male and female: This creation ordinance is not modified by the Noachian covenant. Under this covenant, humans are still created male and female, and there is still a natural division of labor between men and women that is based on complementarity of man and woman in marriage. Humans are still obligated under the global covenant to avoid perverting that complementarity, that division of labor, and the marriage bond. But under the Noachian covenant, the global covenant still does not posit such moral obligations as human law, but only as moral law, as part of the moral-law leg of the natural law.

(iii)dominion: It's reasonable to assume that Cain's murder of Abel was motivated by what Saint Augustine called the "*libido dominandi*", the lust for dominance. Because humans are so depraved, it's easy for people to pervert their pursuit of obedience to the creation ordinances. Although the evidence may be scant, it's still reasonable to assume that something like this may have been going through Cain's mind: "God called us to take dominion, so I'm hereby taking dominion over you, little brother."

Under the Noachian covenant, the global covenant still calls humans to take dominion over "all the earth". But the Noachian covenant supplies new evidence regarding how this dominion is to be acquired. Prior to the Noachian covenant, there was no evidence that this dominion was to be acquired through some prescription by God of globally applicable human law. It was reasonable from the beginning that aggregate dominion by the human race would require agreement, and therefore contracts between people. But other-inflicted damage was not part of the original calculus. So the existence of globally existing human laws was not overtly part of the original global covenant. But modifications to the global covenant promulgated through the Noachian covenant manifest the need to protect both the individual's miniature sovereignty and the process of taking aggregate dominion. The individual's right to absolute ownership of **primary property** still exists. The individual also still has an inherent right to **secondary property**. Aggregate dominion still demands a system of contracts whereby aggregate dominion can exist without damaging the miniature sovereignty of anyone with the *imago Dei*. But by way of the Noachian covenant, the global covenant has a prescription of human law that transcends contracts, and exists regardless of whether contracts exist or not. The conundrum

of how the jurisdictions of miniature sovereigns interface with the jurisdiction of aggregate dominion over all the earth still exists, but that conundrum has been clarified to the extent that the global prescription of human law clarifies it.

(iv)be fruitful and multiply: Because the be-fruitful-and-multiply creation ordinance is closely related to the take-aggregate-dominion creation ordinance, and because God explicitly reiterates this ordinance in verse 9:1, it's reasonable to assume that it deserves some special attention. — There is no indication that this creation ordinance changes by way of its mention in Genesis 9. The original call to be fruitful and multiply still exists as part of the global covenant. Contrary to what might be claimed by many statists, the ordination by God of global human law does nothing to encourage state-sponsored eugenics. In violation of this still-extant global ordinance, nation-states like the United States of America help fund organizations like Planned Parenthood that systematically kill unborn babies. Even though this is true, and even though abortion clearly violates the moral-law leg of the natural law, there is no indication in the Noachian covenant, or anywhere else in the Bible, that God has prescribed global human law that authorizes one human to execute justice against a woman who deliberately aborts her baby.[1] It may be true that Genesis 9:6 authorizes execution of justice against abortionists, when they are someone other than the woman aborting her baby. But the woman's body is her **primary property**, and globally prescribed human law is inherently too crude a tool to render justice when such a woman has someone else living on and in her **primary property**, and gaining sustenance from it.

(v)vegetarian diet: By way of Genesis 9:2-3, God ends the status of the human race as herbivores. From then forward, humans in general are omnivorous, still eating "green plants", but also "[e]very moving thing that lives". This change in status may have profound implications in some respects, but these implications are largely outside the scope of this **exegesis**. Nevertheless it's obvious from these two verses that under the immediate subject-matter jurisdiction of God's global prescription of human law, there is no place for food restrictions that arise out of "controlled substance" laws.

(vi)everything was very good, even people: At the ratification of the Adamic covenant, the creation ceased being "very good" because *HaSatan* and the people conspired to make themselves less than very good, with all the profound ramifications of that sub-covenant of the Adamic covenant. Even though evil thus entered into the universe under the Adamic covenant, there was no global prescription of human

1 For more on this subject, see Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

law under that covenant. Under the very-good creation ordinance, God required people to think, act, and be very good and to not put themselves at odds with the natural law. Although humanity lost this capacity to be very good under the Adamic covenant, the mandate to be very good remained in effect, and it still remains in effect under the Noachian covenant. But while there was no human law associated with this mandate under the Adamic covenant, there is one under the Noachian covenant. There is a definite and certain prescription by God, a mandate, that pertains to the establishment of human law governing the strict subject matter of people damaging or injuring other people.

(vii)seventh-day Sabbath: The Noachian covenant says nothing about keeping Sabbath. So it's necessary to conclude that this term of the global covenant continues unchanged. But even though this is true, there is still no prescription of human law associated with this moral law under the global covenant.

(viii)made from dust: Under the Noachian covenant, humans are still obligated by the moral-law leg of the natural law to acknowledge that they are made from dust, and to stay humble before God. But under the Noachian set of modifications to the global covenant, there is still no prescription of human law to help enforce this obligation.

(ix)in the garden: The territorial jurisdiction of the global covenant shifted from the garden of Eden to "all the earth" (excepting the garden) under the Adamic covenant. Under the Noachian modifications, the territorial jurisdiction does not change, but remains over "all the earth" (excepting the garden).

(x)tree of life: Under the Noachian modifications to the global covenant, people continue to lack access to the tree of life, *i.e.*, to life without sin. This has not changed.

(xi)tree of knowledge: As argued above, the relationship between the tree of life and the tree of knowledge of good and evil is this: Given that the tree of life symbolizes life without sin, it symbolizes life lived without missing the natural-law mark. To avoid missing the natural-law mark, it's necessary to ***know what one needs to know when one needs to know it, so that one chooses what one needs to choose when one needs to choose it, so that one does what one needs to do when one needs to do it, where need is defined on the basis of avoiding non-conformity to natural law***. This aspect of the global covenant doesn't change under the Noachian modifications. Even so, an important bit of knowledge is added to the human knowledge base, specifically, the knowledge that it's necessary for humans to execute justice against people who damage other people. As is evident through the object lesson of the ***anarchy era***, such execution of justice is necessary to prevent the entire human society from running utterly amuck. So indirectly, this

tree of knowledge creation ordinance is impacted by inclusion of such jurisprudential knowledge in the global covenant. — If one confines one's understanding of the tree of knowledge to being a proscription that existed entirely in the garden, then this creation ordinance has no existence outside the boundary of the garden of Eden. On the other hand, if one understands the tree-of-knowledge creation ordinance to be a divine warning about the ramifications of acquiring God's communicable attribute of knowing good and evil, then this creation ordinance certainly has ramifications beyond the garden. Such ramifications entail acquisition of a human knowledge base that facilitates knowing how to choose in the New Jerusalem; and the road to the New Jerusalem requires knowledge about jurisprudence, even as it appears in the Noachian modifications to the global covenant.

(xii)labor and stewardship: The creation ordinance to perform godly labor is modified again under the Noachian covenant. Under the Edenic covenant, the people were called to godly labor on ground that was blessed. Under the Adamic covenant, the people are called to godly labor on ground that was cursed. Under the Noachian covenant, the people's godly labor is expanded to include whatever labor it takes to execute justice against people who damage other people. The labor / stewardship global ordinance may not itself translate into God-prescribed human law, but the Noachian covenant's global prescription of human law certainly includes another type of godly labor.

Part II

Chapter 8:
The Globally Prescribed Polity, Part I, "Domestic"
(In-Depth Exegesis via Jurisprudential Genre)

It should be obvious by now that this chronological **exegesis** has been highly dependent on the jurisprudential genre of literature from its beginning. This should be obvious because even the distinction between biblical law and biblical fact is an aspect of legal analysis, and this **exegesis** has used numerous other legal concepts as well. But because Genesis 9:6 is so dense, conceptually, to plum the depths of it will require examining it almost exclusively as jurisprudential literature. This requires use of the jurisprudential knowledge base even more extensively than has been done thus far. This chapter is dedicated to that task, under the overriding assumption that like the society developing immediately after the promulgation of the Noachian covenant, there is only one society on earth, and it is monoglot.

Sub-Chapter 1:
Subject Matter of the Negative-Duty Clause:
Refining the Definition of Bloodshed

(i) Death / Damage / Injury

Ancient jurisprudence recognized the need to distinguish kinds of damage into damage that arises out of a contract and damage that does not arise out of a contract.[1] The former kind of damage was called *ex contractu* (out of a contract) while the latter was called *ex delicto* (out of a *delict*). Before addressing these two kinds of damage specifically, it's important to see damage within its broader context.

It's obvious that the damage indicated in the *negative-duty clause* is always damage caused by a human being. This is implicit in the use of "Whoever" and other pronouns in the verse. It's also obvious that such damage to human life can either arise out of a contract, or not. So such damage can be considered as inherently limited to two and only two human sources. Coming later in this sub-chapter will be a bolstering of this claim that Genesis 9:6 bloodshed is exclusively either *ex contractu* or *ex delicto*. For the present, it's important to refine the definition of bloodshed by showing how it is limited to human cause. — Genesis 9:5 indicates that God requires a reckoning for human lifeblood "from every beast". If Sam owns an ox that gores Fred on a public thoroughfare, then it's reasonable that Fred

1 Example: **Dictionary of Greek and Roman Antiquities**, p. 819. — URL: https://web.archive.org/web/20090422013551/http://www.ancientlibrary.com/smith-dgra/0826.html, retrieved 18 April 2019.

would be able to sue Sam. This assumes that Sam is responsible for his property, and therefore possibly culpable. This implicitly shows the relationship of "beast" in 9:5 to 9:6. On the other hand, if Fred suffers from a beast that is not owned by anyone, for example, a wild tiger chews his leg off, then no human is accountable for that. Such an act by a wild animal would be classified by traditional jurisprudence as an "act of God". It's important to consider why the damage indicated by the *negative-duty clause* does not include "acts of God".

Most damage to human beings that is not caused by human beings is caused by vulnerabilities that are built into the human condition. Such damage has traditionally been seen as caused by "acts of God". But given creatures created to be miniature sovereigns, and given that miniature sovereignty demands that the creature take full responsibility for his/her circumstances, it's not appropriate to blame God for the human condition, or for the vulnerabilities therein, because doing so is the opposite of taking responsibility for one's circumstances. Blaming God does not advance the cause of miniature sovereignty. Blaming God is therefore inherently self-destructive. So damage caused by wild animals, earthquakes, tsunamis, hurricanes, volcanoes, plagues, *etc.*, *ad infinitum*, are totally outside the scope of the *negative-duty clause*. But damage caused by one person or group of people against another person or group of people certainly exists within the subject matter covered by the *negative-duty clause*, regardless of whether the damage arises out of a contract or not. If there is a human cause of the damage, then the damage falls within the purview of the Genesis 9:6 prescription of human law. If it's ascertained that the damage was caused by some human, then the next question to ask is whether or not the damage arose out of the breach of a contract between the damaged party and the damaging party.

Common sense says that bloodshed / shed life is the same as damage. It says that a dead, damaged, or injured human being is the result of an act that sheds life, where the damage or injury is to **primary** or **secondary** property. Genesis 9:6 is not merely about literal shed blood. It's about damage to one person's life that's caused directly and explicitly by somebody else. — The claim that this verse is about damaged life, and not merely about literal shed blood or murder, is reinforced by two facts: (i)It's possible to kill somebody without shedding any literal blood. (ii) It's possible to shed literal blood without killing anybody. — Regarding the first point, suffocation, strangulation, and poison are all ways to kill someone without shedding any literal blood. Under a strictly literal interpretation of Genesis 9:6, if someone murdered someone else by one of these or some other bloodless method, such a murder would be socially acceptable because it wouldn't violate the meaning of the verse. Of course, that is absurd. It shows that the *negative-duty clause* must be

understood to be metaphorical. — Regarding the second point, a pin prick, a small cut on the arm, and amputating a limb are all ways to shed literal blood without necessarily killing someone. Under an interpretation of Genesis 9:6 that says that this verse is strictly about murder, the verse provides no relief to someone who is damaged without dying. This also shows that the verse must be understood to be metaphorical.

When understood within the context of Genesis 9:4-5, it's clear that the shed-blood metaphor is referring to shed life. Common sense demands that the shed life be equivalent to death, damage, or injury suffered by a human being, where the death / damage / injury includes possible damage to both **primary** and **secondary** property. The "Whoever" in 9:6 clearly refers to a human perpetrator. Whether it's possible for the perpetrator and the victim to be the same person is an issue that needs to be looked at. But the point that needs to be settled before looking at self-damage is that the bloodshed referenced in the *negative-duty clause* is damage to a human being's **primary** and/or **secondary** property, caused by a human being.

There are numerous ways that people can become damaged: "acts of God", accidents, bad results from high-risk activities, and numerous other ways that people can become dead, damaged, or injured without any fault to anybody else. If damage is not inflicted by some other human being, or by some other human being's domestic animal, agent, machine, *etc.*, then is there any way such damage can be Genesis 9:6 damage? If someone trips on a rock and cuts his/her hand off while mowing the lawn, is it anyone else's fault but his/her own? Even though there may be a dead, damaged, or injured party involved in this act, it doesn't appear likely that there is Genesis 9:6 damage here, because Genesis 9:6 damage requires both a perpetrator and a victim. Damage by itself doesn't entail Genesis 9:6 damage. So the question is, what damage is inside the scope, purview, and jurisdiction of the *negative-duty clause*, and what damage is outside it? It's certain that "acts of God" are extra-jurisdictional, because the "Whoever" perpetrator must be human, whereas God is not human in any ordinary sense of the word. But if the perpetrator and the victim are the same human, does the damage ever fall within the purview of the *negative-duty clause*?

If human A intentionally kills his or her self, this is certainly a violation of natural law as revealed in the divine law. But is it a violation of biblically prescribed human law? "Self-murder" has been acknowledged for centuries to be a violation of Judeo-Christian human law. But is suicide a violation of the global human law mandated in Genesis 9:6? To answer this question, it helps to see if it makes sense under the *positive-duty clause*. What sense does it make for human B to take the blood from human A's dead body when A has committed suicide? The *positive-duty*

clause says, "By man his blood shall be shed". But "blood" is a placeholder for life. So the *positive-duty clause* can be restated as, "By man his life shall be shed". If human A has just killed himself, and human B comes along as a stalwart enforcer of global human law, what does B do, try to extract life from A's dead body? That makes no sense. So even though suicide is a violation of natural law, and even though it may be a violation of local human law, it doesn't make sense for it to be a violation of global human law, because it's not enforceable by way of the proportional mechanism established in the *positive-duty clause*. It makes no sense for B to execute retributive justice against A when A is already dead. The situation is similar if A cuts his hand off while mowing his lawn. If B comes along wanting to execute justice against A when A has damaged himself and no one else, B is certainly on a sadist's errand.

In cases of self-damage, even though the damage is real, the perpetrator and the victim are the same human, which means that anyone attempting to execute justice against the perpetrator is also increasing the harm to the victim. This clearly violates the spirit of Genesis 9:6, if not the letter of it. The spirit of Genesis 9:4-6 is about the protection of life. The motive behind this spirit of life-protection is given in the *motive clause*. Increasing damage to someone who has harmed himself, regardless of whether that harm is intentional or unintentional, is diametrically opposed to the purpose of these verses.

Before concluding that all self-damage is outside the scope of the *negative-duty clause*, it might help to look at two other classes of self-damage, self-theft and self-kidnapping. Regarding theft, it's not really possible for a human to steal from his/her self. It's certainly possible for a person to shuffle books, and thereby defraud someone else. But this is fraud, where one person damages another. It's not really self-theft. Self-damage with respect to theft is not possible. Likewise, it's not possible for a person to genuinely kidnap his/her self. It may make a great slapstick routine, but it doesn't make sense as human law. — It's necessary to conclude, based on this line of reasoning, that self-inflicted damage does not exist within the ambit of the *negative-duty clause*.

Some people claim that they have a duty to stop all damaging behavior, regardless of whether it's self-inflicted or inflicted by someone else. Some people claim that they have a duty to stop people from eating certain things. For example, in 2012, the New York City Board of Health adopted the "Sugary Drinks Portion Cap Rule", making it illegal for restaurants in New York to serve sugary beverages in cups and containers larger than 16 ounces. Secular governments also often make it difficult to procure certain kinds of foods, like raw milk. Some of these governments also mandate the wearing of helmets and seat belts. This kind of meddling by secular

governments in people's otherwise private choices is now utterly rampant. — Parents certainly have such caretaking duties over their children, and guardians certainly have such duties over their wards. But for any adult to claim such duties over another adult demands a question: Where is the contract proving that human A has *bailed* his natural rights into human B's custody? If no such genuine local contract exists, then it's necessary to conclude that such protection by secular governments is outside the subject-matter jurisdiction of the *negative-duty clause*. So it's necessary to conclude that the subject matter of the *negative-duty clause* encompasses death, damage, and injury caused by one human or group of humans upon the person or property of another human or group of humans, and nothing more.

(ii) Ex Delicto / Ex Contractu

As already indicated, Genesis 9:6 damage can be either to **primary property** (to body ownership) or to **secondary property**. If a *corpus delicti* is understood to be a damaged body in a general sense, then the damage can be damage to either **primary** or **secondary** property, and it can be either out of a contract or not out of a contract. However, in its common usage in American law, a *corpus delicti* pertains exclusively to a crime.

> *corpus delicti* — The body of a crime. The body (material substance) upon which a crime has been committed, *e.g.*, the corpse of a murdered man, the charred remains of a house burned down. In a derivative sense, the substance or foundation of a crime; the substantial fact that a crime has been committed. The "corpus delicti" of a crime is the body or substance of the crime, which ordinarily includes two elements: the act and the criminal agency of the act.[1]

This definition makes it clear that in American law, a *corpus delicti* doesn't encompass damage that arises out of contract violations. Although breaching a contract can be a bad thing, and although the damage caused by such a breach is certainly included within the purview of the Genesis 9:6 *negative-duty clause*, breaching a contract is generally not considered a crime in American law unless fraud is involved. In order to understand the difference between "*corpus delicti*" as it's been used above to reference Genesis 9:6 damage, and a *corpus delicti* as it's presently understood in American law, it's necessary to define the terminology. (i)A *corpus* is literally a body. As implied in the definition, the *corpus* at issue could be a literal corpse (**primary property**), or it could be something else (**secondary property**). (ii)It's important to get a specific definition of *delicti*, and to see how that definition relates to Genesis 9:6. (iii)It's important to know how the word "crime" relates to Genesis 9:6.

1 **Black's 5th**, p. 310.

In the expression, *corpus delicti*, *delicti* is an adjective that means "damaged". Essentially the same word appears as a noun in American law dictionaries. In American law, a *delict* is defined like this:

> *delict* — Criminal offense; tort; a wrong. In Roman law this word, taken in its most general sense, is wider … than our English term "tort." … [I]t includes those wrongful acts which, while directly affecting some individual or his property, yet extend in their injurious consequences to the peace or security of the community at large, and hence rise to the grade of crimes or misdemeanors. These acts were termed in the Roman law "public delicts;" while those for which the only penalty exacted was compensation to the person primarily injured were denominated "private delicts."[1]

While the subject-matter jurisdiction of the Genesis 9:6 *negative-duty clause* encompasses any act by which one human damages another human, with damage that is readily recognizable by other humans, and where such damage can either come out of a breach of a local contract or not, a *delict* is narrower. Because the word *delict* involves a class of acts that are harmful and wrong while existing outside the purview of a local contract, *delict* should be a good word to use to reference the kind of Genesis 9:6 damage that happens outside the jurisdiction of a local contract. It's important to notice that *delicts* have historically been classed into "public delicts" and "private delicts". It's clear from this definition that public *delicts* have historically been equivalent to crimes and misdemeanors, while a private *delict* has been equivalent to a "tort". A tort is, "A private or civil wrong or injury, other than breach of contract".[2] When this definition of *delict* says that it is "wider" than tort, it's referring at least in part to the fact that torts are legal actions that are brought by private citizens, rather than by the government. In this sense, a tort is the same thing as a *private delict*. In current American law, actions that are instigated by private citizens are called "civil actions",[3] and are thereby distinguished from "criminal actions", which are brought by the secular government. Neither torts nor private *delicts* include damages that arise from the breach of a contract.

In this attempt at **exegetically** understanding the full meaning of Genesis 9:6, this **exegesis** will use the word *delict* instead of the word "tort" precisely because it includes both *public* and *private*. It thereby includes all non-contractual damages to **primary** and **secondary** property, regardless of whether the damages are prosecuted

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1 **Black's 5th**, p. 384.

2 **Black's 5th**, p. 1335.

3 "Civil" literally means "citizen". "The word is derived from the Latin civilis, a citizen." — **Black's 5th**, p. 222.

through a public or private litigant. In keeping with this usage of *delict*, this **exegesis** will also refine the definition of *corpus delicti* so that it does not refer exclusively to a crime or a public *delict*, and so that it does not include damage that arises out of a contract. So under this refinement a *corpus delicti* is a damaged body, where such a body can be a human body, a house, or some other kind of **secondary property**, where the damaged body does not arise out of a contract. — Because the standard definition of *delict* includes "Criminal offense", as well as "tort" and "wrong", it is important to analyze how damages that fall within the purview of the Genesis 9:6 *negative-duty clause* interface with crimes.[1]

> *crime* — A positive or negative act in violation of penal law; an offense against the State or United States. "Crime" and "misdemeanor", properly speaking, are synonymous terms; though in common usage "crime" is made to denote such offenses as are of a more serious nature. A crime may be defined to be any act done in violation of those duties which an individual owes to the community, and for the breach of which the law has provided that the offender shall make satisfaction to the public.[2]

As implied in the definition of "crime",[3] crimes include both felonies and misdemeanors. The distinction between felonies and misdemeanors pertains

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1 In passing, it should be understood that this **exegesis** is not quoting ancient and modern legal authorities as authorities. All of these authorities have operated within legal systems that suffered from jurisdictional dysfunction. This **exegesis** is citing these legal authorities only for the sake of manifesting the complexities involved in discovering Bible-based human law. By exposing the complexities, it should be possible to harmonize these details with the foundations laid in the biblical covenants. So the purpose here is not to pay obeisance to authorities recognized in human law, but to pay obeisance to the authority of the biblical prescription of human law. To do otherwise is to deviate from expounding the biblical narrative. This orientation is crucial if expounding the biblical narrative is to avoid getting lost in the weeds of all the jurisdictional dysfunction that marks all of human history.

2 **Black's 5th**, p. 334.

3 It's probably prudent to clarify what a "positive or negative act" is. Obligations are commonly classified into positive and negative. Positive obligations are obligations to actively do something. Negative obligations are obligations to avoid doing something. So, to violate a negative obligation, a prohibition, one must do the positive act that is prohibited. To violate a positive obligation, one must do a negative act, an act of omission, an act that is not really an act, but the absence of an act. — *E.g.*: In his ***Sefer Ha-Mitzvoth*** (**The Book of the Divine Precepts**), Maimonides classified the 613 commandments of the *Torah* into 248 "Positive Commandments" and 365 "Negative Commandments". — Maimonides, Moses; **The Commandments: *Sefer Ha-Mitzvoth***

almost entirely to the severity of the penalty. In keeping with the spirit of the *positive-duty clause*, it's crucial that the penalty be proportional to the damage. This proportionality issue raises a very troubling question about crimes under modern secular governments. The question is: Are the penalties for crimes under modern secular governments proportional to the damages? The answer is that too often they are not. To be lawful, the definition of crimes under modern secular governments must be compatible with the definition of damages that arises out of the *negative-duty clause*. The sad fact is that modern statutes and administrative rules are clogged with crimes that are not against Genesis 9:6 damage even in the most imaginative bureaucratic mind. In biblically prescribed global human law, damages need to be proximate, and they must be real, because if they are not proximate and real, the human law will probably be misapplied, in which case whoever misapplies it will be guilty of a *delict*. There needs to be a causal connection between the damage and the cause of the damage that is generally "beyond a reasonable doubt".[1]

In order to consolidate the chain of reasoning from Genesis 9:6 damage to non-contractual damage to *delict* to "crime" within the current statist environment, it should help to examine the criminal statutes of one of the fifty States. The "Criminal Code" chapter of the Minnesota Statutes is Chapter 609.[2] Although many of the crimes identified in Chapter 609 clearly entail damage under the Genesis 9:6 prescription of human law, some do not. Those that do not deserve to be characterized as jurisdictionally dysfunctional. This doesn't mean that the positive or negative acts that Minnesota classifies as crimes, and that are jurisdictionally dysfunctional, are really good activities that society should encourage. The fact that they are bad acts does not mean that the State has lawful jurisdiction over

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of Maimonides, 2 vol., translation and helps by Rabbi Dr. Charles B. Chavel, 1967, The Soncino Press, Ltd., New York.

1 "Beyond a reasonable doubt" is part of the jury instructions in criminal trials. It is, "*The standard that must be met by the prosecution's evidence in criminal prosecution: that no other logical explanation can be derived from the facts except that the defendant committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty. … Beyond a reasonable doubt* is the highest standard of proof that must be met in any trial. In civil litigation, the standard is either proof by a preponderance of the evidence or proof by clear and convincing evidence. These are lower burdens of proof." — **West's Encyclopedia of American Law**, 2nd ed., 2008, The Gale Group, Inc. — URL: http://legal-dictionary.thefreedictionary.com/Beyond+a+Reasonable+Doubt, retrieved 20 June 2016. — It's reasonable that in *private delicts* and contract cases the burden of proof would also be lower in biblical jurisprudence.

2 Minnesota Statutes — URL: https://www.revisor.mn.gov/statutes/?id=609&view=chapter, retrieved 20 June 2016.

them. Discouraging the positive and negative actions that constitute these "crimes" is likely to be a good and worthy goal. Nevertheless, the methods used to discourage these positive and negative actions are wrong wherever the actions do not entail Genesis 9:6 damage. Criminal enforcement methods are generally not the best way to discourage acts that evince moral turpitude but that do not simultaneously fall within the purview of Genesis 9:6 damage. There are other ways to discourage these things than through the *police powers* of secular government. All of these criminal statutes were established, enacted, and promulgated with presumably good intentions. But many of them are also examples of good intentions run amuck.

Crimes generally suffer from jurisdictional dysfunction when the State makes either doing or not doing something a crime, while the thing being made illegal does not fit clearly within the overarching category of Genesis 9:6 damage. The act proscribed may be clearly bad, or the act mandated may be clearly good. Examples of clearly bad acts that are proscribed are sodomy and bestiality, which are both classified as "sex crimes" in the Minnesota Statutes (§§ 609.293-609.294). Practically any Christian, and most non-Christians as well, agree that both of these activities are inherently bad. Both sodomy and bestiality are what both ancient and modern legal systems have classified as acts that are *mala in se*. An act that is *malum in se* is evil in itself. According to the biblical narrative, there is absolutely no doubt that such acts are *mala in se*. But if these acts are completely consensual, then even though they are positively *mala in se*, it is not clear that they fall neatly within the purview of Genesis 9:6 damage. On the contrary, when such acts are consensual, it becomes extremely difficult to see where the damage is. In cases of murder, rape, kidnapping, theft, fraud, *etc.*, each of which is proscribed in the local Abrahamic **/** Mosaic **/** Messianic covenant, these *mala in se* certainly clarify the meaning of the non-contractual form of Genesis 9:6 damage. In each there is necessarily a *corpus delicti*. Each of these *delicts* is an instance of *trespass* by one person against another.[1] In contrast, sodomy and bestiality are not *delicts* because there is no *corpus delicti*. They are certainly proscribed by the local covenants. But sodomy and bestiality are not necessarily *trespass* and are not necessarily *delicts*. In neither is the *corpus delicti* obvious.[2] There's no doubt that they are absolutely perverse. But perversion, by

1 *trespass* — "An unlawful interference with one's person, property, or rights." (**Black's 5th**, p. 1347)

2 As is evident in the definitions of crime and *delict*, modern American jurisprudence sees a *corpus delicti* in "any act done in violation of those duties which an individual owes to the community", even if the positive or negative act creates no real perceivable damage to anyone. Christian communities certainly need ways to discourage *delict*-free, *trespass*-free, but morally repugnant acts. This subject will be covered later in this chapter.

itself, doesn't constitute Genesis 9:6 damage. As will be proven below, Genesis 9:6 damage is necessarily some kind of *trespass* by one person against another. It is non-consensual intrusion by one person upon another person's **primary** or **secondary** property.

The proper interpretation of the biblical narrative requires the proper distinction between natural law and the biblical prescription of human law. According to the local covenants, every act that is evil in itself, *malum in se*, is proscribed. So all *mala in se*, regardless of whether they constitute Genesis 9:6 damage or not, are proscribed by natural law. But whether the biblical narrative prescribes human law as a remedy to such *mala in se* is an altogether different issue. How the biblical narrative proscribes any given *malum in se* is the crucial issue, meaning whether the given *malum in se* is proscribed exclusively through natural law, or through the combination of natural law and human law. All *mala in se*, acts evil in themselves, are proscribed by natural law. But whether human law proscribes a given *malum in se* depends entirely upon human jurisdictions. — Because Genesis 9 equates blood and life, Genesis 9:6 damage is the shedding of life. It appears on its face that every *malum in se* is a shedding of life. So it appears facially that Genesis 9:6 damage is equivalent to any violation of natural law. But this plausible assumption doesn't adequately recognize the difference between human law and natural law, it doesn't adequately recognize that humans are not generally qualified to judge the hearts of other people, and it is not adequately deferential to God as promulgator and enforcer of natural law. For humans to avoid usurping God's authority as promulgator and enforcer of natural law, it's necessary for humans to avoid sitting in judgment over damage that is too subtle to judge. Humans are generally only qualified to judge crude physical manifestations of what's in other people's hearts. To assume that one is qualified to judge violations of natural law in general is to usurp God's authority as judge of the natural law. So even though every *malum in se* is clearly against the guilty human's status as a miniature sovereign, and is thereby a blight on the human race's call to take aggregate dominion, that doesn't mean that every *malum in se* should be prosecuted as violation of human law. Even though it's plausible to conclude that seemingly *trespass*-free *mala in se* like sodomy and bestiality would be within the ambit of Genesis 9:6 damage, rigorous understanding of the jurisdictions of the biblical covenants make it unlikely that God intended for his people to enforce prohibitions of *trespass*-free *mala in se* globally. It's certain that He prescribed the prohibition of many *trespass*-free *mala in se* locally, on a consensual / contractual basis. But there's virtually no biblical or other evidence that he prescribed global human law to remedy *trespass*-free *mala in se*. Even so, it's reasonable to put the issue into a larger context.

It's certain from the analysis done thus far that God intended for *mala in se* that are *trespasses* to exist within the ambit of Genesis 9:6 damage. But it's not clear that God intended *trespass*-free *mala in se* to exist within the ambit of Genesis 9:6 damage. Whether he did, or did not, is not made clear anywhere in the Bible. However, whether he did or did not is heavily dependent upon whether God has a high view of human law or a low view of it. For reasons that should be obvious by now, this interpretation of the early chapters of the Bible holds that God generally looks with disdain on human government and human law, even though He certainly ordains the existence of human law. This being the truth, it's not reasonable to claim that God prescribes maximal human government. On the contrary it's reasonable that he prescribes minimal and modest human government based on carefully circumscribed human law. It's also clear that even though the Bible is a book of covenants and laws, he did not reveal the entirety of what humans need to know in it, but instead chose to reveal what humans need to know piecemeal, through **progressive revelation**, propagating revelation through a single family, namely Abraham's family. This surely reiterates the modesty of the government and laws that God prescribes that humans impose upon one another. Given the monumental arguments for modest government and circumscribed human laws, the claim that God must have intended for all *mala in se*, acts evil in themselves, to be within the ambit of Genesis 9:6 damage must be abandoned. If error is to be made in this, then it needs to be made on the side of recognizing that God is sovereign, and that miniature sovereigns in training are anything but genuinely sovereign. Besides, the very fact that the language in Genesis 9:6 is crude, using "sheds man's blood" rather than "sheds man's life", is an argument that Genesis 9:6 damage needs to be understood to be crude and limited, not expansive.

Synthesizing all these strains of thought into a conclusion, it's necessary to conclude that Genesis 9:6 damage includes *mala in se* that are *trespasses*, but it doesn't include *trespass*-free *mala in se*. In keeping with the biblical pattern, *trespass*-free *mala in se* need to be prohibited consensually, within the jurisdictions of contracts that people make who are trying to abide by the local covenants. Both the *trespass*-free, *delict*-free breed of *mala in se* and the *trespass*, *delict* breed of *mala in se* must be proscribed in any society that's dedicated to observing Christian standards of morality. But it's grossly error-prone to presume that a society dedicated to observing secular standards of morality must proscribe *trespass*-free *mala in se*. Because Genesis 9:6 is global, it is inherently secular. So it's reasonable to ask whether the secular governments in the so-called "United States of America" are secular or not. For example: Is the State of Minnesota dedicated to observing Christian standards of morality as defined via the local covenants? Likewise, is any of the fifty States or

the general government dedicated to observing Christian standards of morality as defined via the local covenants?

There's no doubt that the so-called "United States of America" had predominantly Christian origins. There's also no doubt that shortly after the American War for Independence, both the general government and the States adopted into their respective constitutions statements making it obvious that both the State and general governments would enforce the free exercise of religion, and would forbid establishing any religion as a government-sanctioned religion. All fifty States have followed the same pattern. Therefore, neither the general government nor any of the States, including Minnesota, can make a credible claim to being dedicated to observing Christian standards of morality, as defined via the local covenants. But that demands another question: What biblical grounds did the presumably Christian founders of this country have for adopting the free exercise of religion, and for rejecting the establishment of Christianity? Were they simply abandoning their Christianity when they adopted the free exercise of religion? There have been numerous answers to these questions, but none about which this author knows has dealt properly with the jurisdictional issues.

The evidence indicates that the biblical literacy among this country's founding generation was extremely high; so they were not abandoning their Christianity. It was probably intuitively obvious to most of them, even if they rarely or never articulated it, that the Noachian covenant applies to all people, regardless of their religion, while the Bible's local covenants only apply to those who expressly consent to participation. The founding generation did its part to implement **progressive revelation**. They knew at least intuitively that they would need to leave many legal problems, including slavery and *trespass*-free crimes like sodomy and bestiality, to future generations. Now, this 21st-century generation cannot afford to pass the buck to the next generation. Circumstances are demanding the biblical wisdom that must have been intuitively obvious to the founding generation. People who call themselves "Christian" now have a small array of choices: (i)Implement the jurisdictional boundaries of the biblical covenants that must have been intuitively obvious to the founding generation. (ii)Try to establish Christianity as the state religion. (iii)Abandon the rigors of Bible-based theology for a kind of comfort-zone, quasi Christianity. — The only palatable and viable choice is to implement the jurisdictional boundaries of the biblical covenants. Neither the State of Minnesota nor any of the rest of the secular governments in the so-called "United States" is dedicated to observing Christian standards of morality as defined in the local covenants. However, by mandating the free exercise of religion, they have already committed themselves to the jurisdictional boundaries of the global covenants,

i.e., to the Bible's global prescription of human law. So it's critical to get a clear understanding of what the jurisdictional boundaries are. It's necessary to continue pursuing a reasonable understanding of *corpus delicti*, *delict*, crime, *trespass*, *etc.*, especially to the extent that they are compatible with the biblical narrative, and with biblical jurisprudence.

To continue clarifying the jurisdictional boundaries between the global prescription of human law and the local covenants, it should help to return to examining the nexus between a *trespass*, a *malum in se*, a *malum prohibitum*, and Genesis 9:6 damage.

> *trespass* — An unlawful interference with one's person, property, or rights. At common law, trespass was a form of action brought to recover damages for any injury to one's person or property or relationship with another.
>
> Trespass comprehends any misfeasance, transgression or offense which damages another person's health, reputation or property … Doing of unlawful act or lawful act in unlawful manner to injury of another's person or property.[1]

The emphasis in *trespass* is on interference by one person with another person's **primary property**, **secondary property**, and rights that go with such property. Such property is generally physical stuff that can be recognized by people in general by way of their physical senses. Physical stuff that's easily cognized is the realm of global human law. Common sense demands this because such issues need to be cognized in secular courts, and by witnesses and jurists that could come from any cultural or religious background. Issues like acts that are not *trespass*-free and *delict*-free, but are nevertheless *mala in se*, evil in themselves, are too subtle for such secular courts. Secular courts may be able to deal with crude stuff well, but the more subtle the infraction, the more error-prone their judgment.

Another way to mark the difference between *trespass*-free *mala in se* and *mala in se* that are not *trespass*-free is to focus on consent. If someone is invited onto someone else's property, there is agreement that the invitee can be there. But if someone goes onto someone else's property uninvited, then that's *trespass*. So consent is crucial to determining whether a *malum in se* is a *trespass* or is *trespass*-free. Consent is also crucial in the distinction between a *malum in se* and a *malum prohibitum*, an act that is presumably evil simply because somebody has prohibited it.

> *malum in se* — A wrong in itself … An act is said to be *malum in se* when it is inherently and essentially evil, that is, immoral in its nature and injurious in its consequences, without any regard

1 **Black's 5th**, p. 1347.

> to the fact of its being noticed or punished by the law of the state. Such are most or all of the offenses cognizable at common law (without the denouncement of a statute); as murder, larceny, etc.[1]

It should be clear by now that something that is *malum in se* can either fall within the purview of Genesis 9:6 damage, or not. A *malum in se* that does not fall within the purview of Genesis 9:6 damage is "injurious in its consequences" in a way that is not sufficiently proximate under the jurisdiction of a secular court. It might be moral turpitude by the standards of a Christian community, and it may even be repugnant to a majority of non-Christians, but if it is a *malum in se* that is simultaneously *trespass*-free and *delict*-free, then it is outside the subject-matter jurisdiction of the *negative-duty clause*. This presents a problem to Christians regarding how they intend to prohibit *trespass*-free *mala in se* when they cannot make such prohibitions under the auspices of the global covenants. Sticking close to biblical jurisprudence, the solution to that problem is simple. Following the guidelines established by the local covenants, they enter into contracts with one another whereby those *trespass*-free *mala in se* are proscribed within the jurisdictions established by those contracts. This leads to another important distinction, the distinction between *mala in se* and *mala prohibita*.

It's obvious by now that the subject matter of the global prescription of human law includes *delicts* and contract violations. The *delicts* and contract violations exist within the purview of Genesis 9:6 damage. In other words, the damage must be cognizable in a secular court. Although *delicts* are always *mala in se*, everything that is *malum in se* is not necessarily a *delict*. Witness sodomy and bestiality. To Bible-based Christians, sodomy and bestiality are both *mala in se*. But to people who practice such things, they might not be perceived as *mala in se*.[2] In a secular court, a court charged with adjudicating cases and controversies about damage that is globally cognizable, even if the judge is a Christian, the court cannot lawfully cognize the damage caused by sodomy and bestiality. This is not true of murder, manslaughter, larceny, trespass, and numerous other *mala in se*, because this latter

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1 **Black's 5th**, p. 865.

2 According to the Bible, because the natural law is what it is, somewhere in the mind of every human being is a conscience that informs its owner that such acts are *mala in se*. If people insist on violating their own conscience, the Bible holds that they will ultimately pay an extremely high price. But this doesn't mean that biblically prescribed human law necessarily allows Bible believers to use force against the actors who engage in an activity that is *malum in se*. These are two different issues at the interface between the moral-law leg of the natural law and biblically prescribed human law, and they should not be confused.

class of *mala in se* are also *delicts*. *Delicts* are activities that cause damage, where the relationship between the damage and the cause of the damage is inherently proximate. The damage in *trespass*-free *mala in se* is inherently non-proximate and difficult to define, especially to a secular court.

The situation with regard to breaches of contracts is similar. The breach must cause damage that's cognizable in a secular court in order for it to qualify as damage under the *negative-duty clause*.[1] If a group of Christians contract with one another for the sake of establishing a jurisdiction that prohibits *mala in se* that are *trespass*-free under the global prescription of human law, then they should be willing and able to enforce the prohibition within their jurisdiction, and only within their jurisdiction. People outside their jurisdiction are not subject to their contractual obligations. This fact calls for recognition of the distinction between *mala in se* and *mala prohibita*.

> *malum prohibitum* — A wrong prohibited; a thing which is wrong *because* prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law[2]
>
> *mala prohibita* — Prohibited wrongs or offenses; acts which are made *offenses* by positive laws, and *prohibited* as such. Acts or omissions which are made criminal by statute but which, of themselves, are not criminal. Generally, no criminal intent or mens rea is required and the mere accomplishment of the act or omission is sufficient for criminal liability. Term is used in contrast to mala in se which are acts which are wrongs in themselves such as robbery.[3]

Trespass-free, *delict*-free *mala in se*, like sodomy and bestiality, are easily recognized as *mala in se* by Bible-believing Christians because they by definition believe the Bible's description of these things as being inherently evil. But non-Christians whose consciences are seared are likely to refuse to acknowledge that these things are evil in themselves. If non-Christians were to refuse to acknowledge that murder is evil, and if they were to openly indulge in murder, then there would be absolutely no doubt that such murders would demand retribution under Genesis 9:6, because there would certainly be a *corpus delicti* for each murder. But if non-Christians refused to acknowledge that sodomy and bestiality were evil (as many of them presently do), and if they openly indulged in these things on their own property, then the *corpus*

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1 To be overzealous to globally prosecute *mala in se*, as mentioned above, is to usurp God's authority as enforcer of the natural law.

2 **Black's 5th**, p. 865.

3 **Black's 5th**, pp. 861-862.

delicti would be missing. So a lawful secular court would be unable to find the *corpus delicti* in a case against such a *trespass*-free *malum in se* and would be lawfully constrained to acquit or not allow the case to be brought. On the other hand, if someone entered into a contract with one or more other people, where the contract stipulated that the parties would never indulge in some given *delict*-free activity, like sodomy or bestiality, but this party, Mr. B, decided to indulge anyway, then that could be grounds for bringing a breach of contract case against Mr. B in a court designed to adjudicate local contracts. Even though such activities, outside a local contract, would not be either *malum in se* or *malum prohibitum* in a lawful secular court, they would be *malum prohibitum* if done in violation of a local contract. So in order to be enforceable in a lawful secular court, it must be a term within a lawful contract. The *malum prohibitum* cannot simply be some edict from some tyrant or bureaucrat.

To recapitulate, there is a global mandate against the perpetration of *delicts* and the violation of contracts where the damage that comes out of either source is clear and obvious damage to **primary** and/or **secondary** property. This global mandate exists by way of the *negative-duty clause*. There is also a global mandate to execute justice against anyone who causes such damage, which exists by way of the *positive-duty clause*. It's important to notice in passing that these mandates don't excuse anyone. It makes no exceptions for kings, presidents, supreme court justices, bankers, stock brokers, dog catchers, police, or anyone else operating under *color of law*, or in any other way terrorizing one's neighborhood. Under a secular government, "crimes" that are not *delicts* are violations of Genesis 9:6 that are perpetrated by the government. When such a secular government arrests or prosecutes someone who has committed such a *delict*-free, *trespass*-free "crime", the presumed criminal is the victim of a *delict* perpetrated by government. So non-*delictual* crimes are government-perpetrated bloodshed. If there is no *delict*, and there is no broken contract, then the secular government lacks jurisdiction, and it becomes a perpetrator whenever it insists on exercising such bogus jurisdiction.

The entire human race should make murder, rape, kidnapping, theft, arson, extortion, fraud, and numerous other kinds of *public* and *private delicts* illegal. In traditional legal systems throughout Europe, England, and America, such violations of natural rights gave rise to legal actions *ex delicto*.

> *ex delicto* — From a delict, tort, fault, crime, or malfeasance. In both the civil and the common law, obligations and causes of action are divided into two classes – those arising *ex contractu*

> (out of a contract), and those *ex delicto*. The latter are such as grow out of or are founded upon a wrong or tort[1]

Notice that in both the civil law and the common law, causes of action are divided into two classes, actions that arise out of *delicts* and actions that arise out of contracts. Because the civil law is based upon ancient Roman law,[2] this essentially means that this distinction has existed in Christendom's jurisprudence for almost as long as Christendom has existed.

> *ex contractu* — From or out of a contract. In both the civil and the common law, rights and causes of action are divided into two classes, – those arising *ex contractu* (from a contract), and those arising *ex delicto* (from a delict or tort). 3 Bl.Comm. 117.[3]

Notice that in this definition of *ex contractu*, it also says that in both civil law and common law, causes of legal action are divided into actions out of *delicts* and actions out of contracts.

If one is damaged as a result of participation in a contract, why should the damager be prosecuted *ex contractu* rather than *ex delicto*? Should the *trier of fact* automatically assume that the contract takes priority, or should the *trier of fact* assume the broader jurisdiction of Genesis 9:6 first? — In Anglo-American common law, American law as it exists at present, and western law as it has existed stretching back into antiquity, when there is both a damaged party and a contract, the *trier of fact* always looks at the contract first, to see what bearing the contract may have in prosecuting the damage. So it's critical that contracts and *delicts* be distinguished because they have totally different jurisdictions. Prosecution of *delicts* is based on the jurisdiction of the global covenant. Other contracts define their own jurisdictions.

Regardless of how jurisdictionally dysfunctional human law has been for many centuries, it has at least recognized this important distinction between legal actions *ex delicto* and legal actions *ex contractu*. However, the fact that traditional legal systems divide legal actions into these two overarching classes does not mean that Bible-based jurisprudence does the same. But there are other reasons that make it obvious that Bible-based jurisprudence must use the same basic categories: Contracts and *delicts* have inherently different jurisdictions. All enforcement of human law

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1 **Black's 5th**, p. 509.

2 "The term civil law derives from the Latin *ius civile*, the law applicable to all Roman *cives* or citizens. Its origins and model are to be found in the monumental compilation of Roman law commissioned by the Emperor Justinian in the sixth century CE." — School of Law, University of California at Berkeley — URL: https://www.law.berkeley.edu/library/robbins/CommonLawCivilLawTraditions.html, retrieved 20 June 2016.

3 **Black's 5th**, p. 508.

needs to be either *ex contractu* or *ex delicto*. If it's not one or the other, it's a sure bet that the human law being enforced is a tyrant's *malum prohibitum*, or a do-gooder's bad legislation, or both, because jurisdictional dysfunction is at hand.

Every contract has its own personal jurisdiction, subject-matter jurisdiction, and territorial jurisdiction. These jurisdictional attributes are either express or implied in every lawful contract. Real human laws are always either *ex contractu*, existing as terms within an ordinary contract, or *ex delicto*, existing as a term within the Noachian covenant. These are two radically different kinds of legal actions, and there are therefore two radically different kinds of *police powers* that necessarily exist under two radically different jurisdictions. By understanding the difference between *delicts* and contracts, one understands the difference between these two different types of *police power*. One also understands that any other kind of *police power* is tyranny. One can use the knowledge about these two different jurisdictions to see what's good about the existing system, what's bad about it, and how it needs to change. By knowing about these two kinds of jurisdiction, one can see when one needs to hold people accountable to the Genesis 9:6 mandate, even if those people happen to be police, judges, or politicians perpetrating *delicts* under *color of law*.

It may seem a simple matter. It may seem that the moral-law leg of the natural law holds that there are only two components to the *negative-duty clause*: (i)Don't encroach on other people or their property. (ii)Do all that you've agreed to do. — No doubt if everyone did these things humanity would be better off, but "the devil is in the details". Even with the best of intentions, it's not always easy to know who has lawful title to property, and it's not always easy to keep one's promises. Worse yet, when office-holding psychopaths influence the muddled thinking of people with otherwise good intentions, the resulting government doesn't care in the least about jurisdictional guidelines. The laws become utterly fiat. Given such conditions, it's all the more important for people willing to admit that there is a global prohibition against damaging people through *delictual* behavior and breaching of contracts to think rigorously on these issues. At best, doing so in large enough numbers could establish the biblical prescription of global human law in its fullness. But if only a paltry few commit themselves to this understanding of global human law, doing so may at least shield a few of the innocent from being fodder for the psychopath's agenda. To minimize the muddled thinking, it's necessary to look still more closely at the jurisdictional limits of the two mandates contained in Genesis 9:6, the first being the mandate against shedding human blood in the *negative-duty clause*, and the second being the mandate to execute justice against bloodshed in the *positive-duty clause*. Jurisdictional constraints clearly apply to both mandates.

(iii) Quasi Ex Delicto / Quasi Ex Contractu

It should now be obvious that the subject matter of the *negative-duty clause* is damage caused by one human party against another. Now it's necessary to ask if there are any other limitations on damage that need to be brought out in the open before concluding that enough has been said about the subject-matter jurisdiction of the *negative-duty clause*. — As already indicated, in western jurisprudence that goes back at least as far as early Christian antiquity, there are two predominant types of legal actions, actions *ex delicto* and actions *ex contractu*.[1] In addition to these two rationales for legal action, these ancient legal scholars also recognized actions *quasi ex delicto* and *quasi ex contractu*. These four causes of legal action were "apparently viewed as exhaustive" by some of these early jurists, meaning that all damage by human against human was understood to be subsumed by these four categories. — In examining the meaning of Genesis 9:6, this **exegesis** has already established that legal actions *ex delicto* and *ex contractu* certainly fall within the purview of the *negative-duty clause*. The question now is whether these two causes of action are exhaustive or not. It's clear that by saying the damage must either come out of a contract or not, logic demands that these two are exhaustive. But logic alone is sometimes insufficiently convincing. So it's prudent to carry on the examination a little further to see if these two causes of action genuinely exhaust and encompass all the possible lawful causes of action. Do these two causes of action encompass actions *quasi ex delicto* and *quasi ex contractu*, as ancient jurists like Gaius believed, or are these quasi types of action completely separate from actions *ex delicto* and *ex contractu*? Are actions *quasi ex delicto* and *quasi ex contractu* even lawful? Are there other obligations outside of natural obligations and contractual obligations that are lawful origins of legal actions, *i.e.*, that are genuine and cognizable sources of damage by one human against another?

Understood broadly, a legal action is merely where one party attempts to execute justice against another party. Because both legal actions *ex contractu* and legal actions *ex delicto* pertain to damage caused by one person upon another, both of these overarching causes of action fall within the subject matter of the *negative-duty*

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1 "Viewed with reference to the facts on which the law operated to give Oligationes a binding force, Obligationes arose from Contract and Quasi Contract, and Delict … and Quasi delict (Inst. 3 tit. 13). This division of Obligationes with respect to their origin was apparently viewed as exhaustive … Gaius divides Obligationes into these: ex contractu and ex delicto; but he intends to comprehend the obligationes quasi ex contractu under those ex contractu, and obligationes quasi ex delicto under those ex delicto." — **Dictionary of Greek and Roman Antiquities**, p. 817. — URL: https://web.archive.org/web/20110912041154/http://www.ancientlibrary.com/smith-dgra/0824.html, retrieved 20 June 2016.

clause. One arises by way of a contractual obligation, and the other arises from a natural obligation.

So far it should be obvious that the subject matter of the *negative-duty clause* includes damage by one human or group of humans against another, and only damage by one human or group of humans against another. The clause does not specify whether the damage comes out of the breach of a contract or out of a *delict*. Nevertheless the *negative-duty clause* clearly includes both damage *ex contractu* and damage *ex delicto*. These two sources of damage must be distinguished because they have two distinctively different jurisdictions. Damage *ex contractu* exists immediately under the jurisdiction of the given contract, and mediately under Genesis 9:6. In contrast, damage *ex delicto* exists immediately under the jurisdiction of the *negative-duty clause* of the Genesis 9:6 term of the Noachian covenant. — But do these sources of damage fully exhaust Genesis 9:6 damage?[1] In other words, do (i)obligations to avoid violating promises that arise out of ordinary contracts and (ii) obligations to avoid perpetrating *delicts*, exhaust and encompass the entire subject matter of the *negative-duty clause*? It's already obvious that this **exegesis** is claiming that "Yes, they do." But the answer in ancient jurisprudence, in the English common law, and in American law as it exists at this writing, is more ambiguous. Some legal authorities essentially say, *No, contracts and delicts do not exhaust and encompass all the possible obligations in human law*. Other authorities, like Gaius, say these two do exhaust all legal actions, but then they waffle in their definitions and include actions out of *quasi contracts* and *quasi delicts*. Most modern legal professors don't even ask the question. Based on logic and the evidence, this exposition of Genesis 9:6 finds that the ancients, the English, and the Americans are all wrong about this. Their misunderstanding of these things was a source of jurisdictional dysfunction, and such dysfunction was a core issue in the demise of their respective civilizations. This exposition has already shown logically that all damage by human upon human must be either out of a contract, or not, and therefore all causes of action that are not contractual are *delicts*. Proving empirically that this logic is true is an exercise in

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1 One way one might become properly convinced that these two DO exhaust Genesis 9:6 damage is through the following line of reasoning: The only reason *delicts* by themselves do not exhaust Genesis 9:6 damage is because contracts set up their own jurisdictional boundaries that are by their nature different from the jurisdictional boundaries of *delicts*. *Delicts* are part of the subject matter of the Genesis 9 contract / biblical covenant. Jurisdiction is always a contractual issue, regardless of whether the contract is a biblical covenant or an ordinary contract. No lawful claim to jurisdiction exists except by way of contracts / covenants. Therefore, no other source of damage can exist because no other thing gives a different jurisdiction. Jurisdiction is uniquely an attribute of contracts / covenants.

proving the obvious to the impervious. Nevertheless, this exposition will examine actions *quasi ex delicto* and *quasi ex contractu* for the sake of showing why all attempts at squirming out of this logic are futile. So this exposition will show that legal actions *ex delicto* and *ex contractu* encompass all lawful causes of action, and that all causes of action that are not one or the other are unlawful and jurisdictionally dysfunctional. Because of ignorance, because of a worship of the state as though the state were God, and because of numerous other motives, governments have been jurisdictionally dysfunctional as though such dysfunction were a basic attribute of all governments. Jurisdictional dysfunction is disastrous for the establishment and maintenance of reliable human law and reliable human government.

Genesis 9:6 clearly holds that legal actions should arise against people who damage other people. Clear thinking demands that such damage can happen either *ex contractu* or *ex delicto*. Extra-biblical Roman law also recognized the existence of legal actions *quasi ex delicto* and *quasi ex contractu*.[1] For the sake of showing the futility of claiming that damage *ex contractu* and *ex delicto* do not exhaust the meaning of Genesis 9:6 damage, it should help to examine these *quasi* sources of legal action. Because these *quasi* sources of legal action exist in American law, at least to some extent and in some ways, and because there are other kinds of legal actions in the American system that are also not clearly either *ex contractu* or *ex delicto* – like the *trespass*-free crimes cited above – it will help to look generally at legal actions that are neither *ex contractu* nor *ex delicto*, as well as specifically at *quasi ex delicto* and *quasi ex contractu*. If non-contractual, non-*delictual* legal actions don't fall within the purview of Genesis 9:6 damage, then they are examples of jurisdictional dysfunction, like the *trespass*-free crimes examined above.

Contained within the definition of *delict* in the law dictionary is a definition of *quasi delict*.

> *quasi delict* — A quasi delict in Roman law was an act whereby a person, without malice, but by fault, negligence, or imprudence not legally excusable, caused injury to another. They were four in number, viz.: (1) *Qui judex litem fecit*, being the offense of partiality or excess in the *judex* (juryman). (2) *Dejectum effusumve aliquid*, being the tort committed by one's servant in emptying or throwing something out of an attic or upper story upon a person passing beneath. (3) *Damnum infectum*, being the offense of hanging dangerous articles over the heads of persons

1 **Dictionary of Greek and Roman Antiquities**, p. 819. — URL: https://web.archive.org/web/20090422013551/http://www.ancientlibrary.com/smith-dgra/0826.html, retrieved 18 April 2019.

> passing along the king's highway. (4) Torts committed by one's agents in the course of their employment.[1]

While *delicts* can happen either with or without malice, a *quasi delict* can only happen "without malice". So a *delict* can happen when the perpetrator has a *mens rea*, a "guilty mind … wrongful purpose".[2] It can also happen when the perpetrator, "without malice, but by fault, negligence, or imprudence not legally excusable, caused injury to another". A *quasi delict* can only include the latter. Because it appears that a *quasi delict* is included within the encompassing category of *delict*, it appears that a *quasi delict* is really a distinction without much of a difference. The apparent emphasis in Roman law was on these four offenses. But none of these offenses demands special treatment in modern law because in each, one person caused injury to another. Regardless of how the Roman legal system may have operated, in the American system, the *mens rea* is not as central. In both criminal and civil cases in the American system, the intent of the accused is taken into consideration when determining the penalty. But in the American system, ascertaining the existence of the damage and a causal connection between it and the accused is more crucial in both criminal and civil cases than *mens rea*. So in both the Roman system and the American system, a *mens rea* is not a prerequisite for the existence of a *delict*. This is true with regard to both *public* and *private delicts*. In the American system, for a *private delict* – usually called a "tort" – to exist, it's not usually necessary for the tort to be motivated by a *mens rea*. Negligence is usually a sufficient cause of damage for a tort to exist under American law. Even though the word *delict* is not commonly used in American law,[3] because a tort is largely the same as a *private delict*, it makes sense that a *private delict*, like a tort, would not categorically require a *mens rea*.

Because this exposition is trying to discover the boundaries of Genesis 9:6 damage, according to the *negative-duty clause*, and because Genesis 9:6 bloodshed / damage doesn't require a *mens rea*, it makes sense that a *delict*, as defined by way of the biblical narrative, would not require a *mens rea*. So there is not really any need in this exposition's definitions to distinguish a *delict* from a *quasi delict*, because a *quasi delict*, as defined by Roman law, is subsumed within this exposition's definition

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1 **Black's 5th**, pp. 384-385.

2 **Black's 5th**, p. 889.

3 It's normally used in "civil law" systems, meaning the legal systems that are direct heirs of Roman law, specifically, of the Code of Justinian. But American law is generally a common-law system. Even so, as indicated above, even in the American system, the word *delict* is generally recognized in *corpus delicti*, in distinguishing contract cases from non-contract cases in both civil and criminal cases (*ex contractu* v. *ex delicto*), and in distinguishing *public delicts* from *private delicts*.

of *delict*. So the term *quasi delict* marks a distinction without a difference. Likewise, a legal action *quasi ex delicto* doesn't exist under a reasonable reading of Genesis 9:6 because it is also a distinction without a difference. — But *quasi contracts* are altogether different.

According to the following definition, a *quasi contract* is based on a "legal fiction".

> *quasi contract* — Legal fiction invented by common law courts to permit recovery by contractual remedy in cases where, in fact, there is no contract, but where circumstances are such that justice warrants a recovery as though there had been a promise. It is not based on intention or consent of the parties, but is founded on considerations of justice and equity, and on doctrine of unjust enrichment. It is not in fact a contract, but an obligation which the law creates in absence of any agreement, when and because the acts of the parties or others have placed in the possession of one person money, or its equivalent, under such circumstances that in equity and good conscience he ought not to retain it. It is what was formerly known as the contract implied in law; it has no reference to the intentions or expressions of the parties. The obligation is imposed despite, and frequently in frustration of their intention.[1]

All contracts are based on the consent of the people entering into the contract. This is true by the very definition of contract. So mutual consent is crucial to the formation of contracts. This is true of all lawful contracts. If one finds any contract about which this is not true, then that's a sign that the contract might not be lawful.[2] With all contracts except those designed to enforce the bloodshed mandate, the contract only has *in personam* jurisdiction over the people who enter the contract.[3] If this weren't true, then it would be OK for people to be forced into contracts. But lawful contracts can only be entered voluntarily, intentionally, and knowingly.[4] As

1 **Black's 5th**, p. 293.

2 As indicated above, there is tacit consent, and therefore mutual consent, in the biblical covenants that are global. There is also tacit and mutual consent in *de facto bailment* contracts that exist between parents and children, and between guardians and wards. The fact that consent in such contracts is tacit should be a warning to human enforcers that they need to tread lightly and carefully around such tacit agreements. Jurisdiction may or may not exist in such cases.

3 Contracts designed to enforce the bloodshed mandate, called *jural* compacts in this exposition, are exceptional for reasons that are addressed below.

4 That's true for all contracts, including *jural* compacts and guardian-dependent *bailment* contracts. These *bailment* contracts are a bit peculiar and deserve special

indicated in the above definition, in existing legal systems, the *quasi contract* is an exception to this rule. *Quasi contracts* are legal fictions that are created by secular governments in direct opposition to the will of one or more of the alleged parties.[1]

If a contract is in writing, then it's obviously an *express contract*. If it's not in writing, but there are impartial witnesses to the oral contract, then this is also obviously an *express contract*. But if there is no writing, and there are no witnesses, then the court will have to depend on circumstantial evidence to determine whether there is a contract or not, and if there is, what its terms are. If the court finds that there is a contract, based entirely upon circumstantial evidence, then the court has found that there is a contract *implied in fact*. In this situation, the facts indicate that there is a contract, even though its existence is implicit, rather than express. Based on the above definition of *quasi contract*, it's clear that a court might also find that there is something called a contract *implied in law*.

> *express & implied contracts* — An express contract is an actual agreement of the parties, the terms of which are openly uttered or declared at the time of making it, being stated in distinct and explicit language, either orally or in writing.
>
> An implied contract is one not created or evidenced by the explicit agreement of the parties, but inferred by the law, as a matter of reason and justice from their acts or conduct, the circumstances surrounding the transaction making it a reasonable, or even a necessary, assumption that a contract existed between them by tacit understanding.
>
> Implied contracts are sometimes subdivided into those "implied in fact" and those "implied in law," the former being covered by the definition just given, while the latter are obligations imposed upon a person by the law, not in pursuance of his intention and agreement, either expressed or implied, but even against his will and design, because the circumstances between

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treatment, although they nevertheless do ultimately follow the rule that contracts can only be entered voluntarily, intentionally, and knowingly. To examine the peculiarities in regard to *jural* compacts, see Porter, **Theodicy**, Part II, Chapter G, Sub-Chapter 1, "*Jural / Ecclesiastical*". To examine these peculiarities in regard to guardian-dependent *bailment* contracts, see Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

1 The reader might notice a similarity here between *quasi contracts* as legal fictions created by secular governments, and biblical covenants created by God. In the case of *quasi contracts*, secular courts force agreement on at least one of the parties through the legal fiction. But in the case of the biblical covenants, the human parties genuinely do give pre-cognitive consent to participation.

> the parties are such as to render it just that the one should have a right, and the other a corresponding liability, similar to those which would arise from a contract between them. ***This kind of obligation therefore rests on the principle that whatsoever it is certain a man ought to do that the law will suppose him to have promised to do.*** And hence it is said that, ***while the liability of a party to an express contract arises directly from the contract, it is just the reverse in the case of a contract "implied in law,"*** the contract there being implied or arising from the liability. … But ***obligations of this kind are not properly contracts at all, and should not be so denominated. There can be no true contract without a mutual and concurrent intention of the parties. Such obligations are more properly described as "quasi contracts"***. See **Constructive contract** ….[1]

An ordinary contract is clearly either *express* or *implied in fact*. In an ordinary contract, the contract is always a function of consent, and the contract's liabilities and obligations always arise out of that consent. This is because a contract is by definition an agreement. But in a *quasi contract* / *contract implied in law*, the obligation does not arise out of consent. It arises out of a presumed obligation. The obligation in question is therefore like a natural obligation that exists as a necessary outgrowth of natural rights. If these are in fact natural obligations, then there is no good reason to confuse them with contractual obligations. If these are not natural obligations, and they are also not contractual obligations, then their existence poses a huge question: Where, precisely, do these obligations come from?

> *constructive contract* — A species of contracts which arise, not from the intent of the parties, but from the operation of law to avoid an injustice. These are sometimes referred to as quasi contracts or contracts implied in law as contrasted with contracts implied in fact which are real contracts expressing the intent of the parties by conduct rather than by words. … An obligation created by law for reasons of justice without regard to expressions of assent by either words or acts.[2]

So *constructive contract*, *quasi contract*, and *contract implied in law* are different expressions that all mean the same thing. They are all based on a concept of justice in which choice / agreement / consent is overridden by the court for the sake of satisfying an obligation manufactured by the court. The obligation does not arise contractually, and it does not arise for the sake of protecting natural rights. It's

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1 **Black's 5th**, pp. 292-293; emphases added.

2 **Black's 5th**, p. 284.

based entirely upon a *legal fiction*. These are not real contracts because the mutual intent, assent, and consent of the parties is missing. Rather than consent giving rise to a contract, and the contract giving rise to mutual obligations, the law presumes the existence of an obligation, then pretends that a contract exists even though there is no factual evidence to support the court's pretense.

To get to the bottom of where these fictitious obligations come from, it may help to look more closely at the definition of *legal fiction*. *Quasi contracts*, *constructive contracts*, and *contracts implied in law* are all *legal fictions*, and these *legal fictions* are based on "justice and equity, and [the] doctrine of unjust enrichment".

> *legal fiction* — Assumption of fact made by court as basis for deciding a legal question. A situation contrived by the law to permit a court to dispose of a matter, though it need not be created improperly; *e.g.*, fiction of lost grant as basis for title by adverse possession.[1]
>
> *fiction of law* — An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. An assumption for purposes of justice, or a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. …
>
> These assumptions are of an innocent or even beneficial character and are made for the advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character.[2]
>
> *fictio legis neminem laedit* — A fiction of law injures no one. 3 Bl.Comm. 43.[3]

It's obvious that a *legal fiction* is a falsehood. But it's a falsehood that has good intentions. By way of *legal fiction*, the law is resorting to fantasy to achieve justice and equity. Rather than genuinely achieving justice and equity, the courts are practicing jurisdictional dysfunction at the expense of reason and justice. As indicated in the definitions, one of the pretenses they are using to achieve this jurisdictional dysfunction is the *doctrine of unjust enrichment*.

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1 **Black's 5th**, p. 804.

2 **Black's 5th**, p. 562.

3 **Black's 5th**, p. 562.

> *unjust enrichment, doctrine of* — General principle that one person should not be permitted unjustly to enrich himself at expense of another, but should be required to make restitution of or for property or benefits received, retained or appropriated, where it is just and equitable that such restitution be made, and where such action involves no violation or frustration of law or opposition to public policy, either directly or indirectly. … Unjust enrichment of a person occurs when he has and retains money or benefits which in justice and equity belong to another. … Thus one who has conferred a benefit upon another solely because of a basic mistake of fact induced by a nondisclosure is entitled to restitution on above doctrine.[1]

When a court cites this doctrine to rationalize its judgment in a law suit, and cites the *quasi-contract legal fiction* to justify its judgment, the judgment stands as a claim by the court that the intentions behind this *legal fiction* are so good that they justify the false means by which the ends are achieved. There are real cases in which one person is unjustly enriched at the expense of another, where no *legal fiction*, *quasi-contract*, or *contract implied in law* is claimed. So there are real *unjust enrichment* cases that genuinely exemplify Genesis 9:6 damage. But when courts resort to such *legal fictions* to justify their judgment on *unjust enrichment* grounds, they're automatically moved their judgment into the arena of jurisdictional dysfunction. Situations in which the *doctrine of unjust enrichment* and *quasi contract* are claimed as a litigant's legal theory are similar to the *trespass*-free crimes cited above. — *Trespass*-free crimes may be genuinely *mala in se*. But they do not cause damage that is cognizable in a lawful secular court, *i.e.*, a court designed to execute justice immediately under Genesis 9:6. So such a court is not the right place to execute justice against *trespass*-free *mala in se*. In other words, such a court lacks jurisdiction over the subject matter. *Trespass*-free *mala in se* need to be addressed in religious courts, or through other mechanisms. In a Christian court where the court genuinely has jurisdiction by way of the accused's prior agreement, a finding against a perpetrator of such a *trespass*-free crime is justified and jurisdictionally sound. But in a secular court, the damage cannot be found at all, and there is therefore no proximate linkage between the presumed crime and the non-existent damage.

Trespass-free crimes are prosecuted as though they were *public delicts*. *Quasi contract* / *unjust enrichment* cases are prosecuted as though they were *private delicts*. Other than this difference, the situation with respect to *quasi contracts* / *unjust enrichment* is similar to *trespass*-free crimes. To show how *quasi contract* / *unjust enrichment* works, this exposition will present a hypothetical case. This case

1 **Black's 5th**, p. 1377.

is simple for the sake of showing the underlying characteristics of the *legal-fiction* breed of *unjust enrichment*.[1] But there's one more important thing to notice before going into this hypothetical case. If *legal fictions* exist that genuinely and *lawfully* give rise to *quasi contracts*, then the idea that legal actions are limited to being *ex contractu* and *ex delicto* is shot. If *quasi contracts* exist in reliable jurisprudence, then some legal actions in such jurisprudence are neither *ex contractu* nor *ex delicto*. *Legal fictions* and *quasi contracts* are therefore an obstacle to any effort at trying to build rational and reliable jurisprudence based upon the biblical covenants. That's because it becomes extremely difficult to see how the *quasi contract* syndrome relates to a rational reading of Genesis 9:6. If the *quasi-contract* legal theory is valid in secular courts, then irrationality is built into secular jurisprudence.

The core problem with the *quasi contract* / *unjust enrichment* / *legal fiction* syndrome is that within a secular jurisdiction, the end doesn't justify the means in such cases. An obligation is created out of nothing so that the court can enforce its preconceived vision of justice and equity. The court then imposes this obligation in violation of both reason and sound jurisdictions. — This syndrome entered into the English common law through the opinion of Lord Mansfield in *Moses v. Macferlan*, 1760.[2] This doctrine relies heavily upon the myth that human government has been explicitly ordained by God. It has not. God has explicitly ordained human law. Humans then devise human governments to implement human law because they're convinced that governments are necessary to administer the law. But human governments are lawful only to the extent that their laws are consistent with the biblical prescription of human law. *Quasi contracts* and *legal fictions* fail this sniff test. Like *trespass*-free crimes, these actions are relics from the days when every nation had its state religion. This whole issue reduces to a question of whether it's appropriate to enforce Christianity with the sword, meaning against people who are not Christians.

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1 Anyone who wants to look at real cases should know that screeds of such opinions are easily accessible at Google Scholar (URL: http://scholar.google.com). Choose "Legal opinions and journals" and "Advanced Scholar Search". Search for "'quasi contract' 'unjust enrichment'" in any one of the fifty States.

2 *Moses v. Macferlan*, King's Bench 2 Burrow 1005 (1760) — URL: http://www.justis.com/titles/english-reports.html, retrieved 20 June 2016. — Also see, Arthur M. Cathcart, A.B.; "The Law of Quasi-Contracts", Chapter 1, "Nature and Extent of Quasi-Contractual Obligations", vol. 7, p. 363; **Modern American Law: A Systematic and Comprehensive Commentary on the Fundamental Principles of American Law and Procedure, Accompanied by Leading Illustrative Cases and Legal Forms, with a Revised Edition of Blackstone's Commentaries**, 15 vols., edited by Eugene Allen Gilmore and William Charles Wermuth, 1914, Blackstone Institute, Chicago.

Quasi Ex Delicto / Quasi Ex Contractu

How can the *unjust enrichment* / *quasi contract* / *legal fiction* syndrome exist within the purview of Genesis 9:6 damage? It cannot. Therefore, it is outside the Bible's global prescription of human law. It is an act by human government of usurping God's authority as the enforcer of natural law. It is therefore government trying to set itself up as God, trying to replace God, based on a combination of good intentions and fantasy / delusion. — The victim of *unjust enrichment* is certainly damaged. But the question demands an answer: Who caused the damage? If there is a clear causal linkage between the beneficiary / defendant (B) and the damage suffered by the damaged party / plaintiff (A), then there is no need to resort to *legal fictions*, because the causal connection is a fact. The reason this fiction gets created is precisely because there is no causal connection between A's loss and B's gain. An outside observer presumes that A should be the owner, even though A lacks possession.

***Hypothetical case*:** Suppose someone called "Finder" lives near a lake in one of the fifty States. Suppose this lake does not have any navigable inlets or outlets, and is not under an "admiralty and maritime Jurisdiction". Suppose issues like boat traffic, algae control, pier size, pollution control, and other such issues are governed by a private consortium of concerned citizens, and the lake is considered by all to be a commons.

While canoeing across the lake one evening, Finder discovers a plastic bag floating on the surface. He picks it up for the sake of removing litter. When he gets back to shore, he opens the bag to see what it is before throwing it in the dumpster. In the bag he finds about $100,000 in *Federal Reserve Notes* (*frns*). Over the next couple of days, Finder thinks hard about what he's going to do with this money. On his third day of having this cache of *frns*, Finder sees a notice in a local newspaper in which somebody named "Loser" begs for the return of what he claims is his money. Finder thinks about it and decides he'd rather keep it. He thinks, "I didn't steal it. I found it on the commons. That's Loser's tough luck."

After a couple of weeks, Loser somehow discovers that Finder has the *frns*. So Loser sues Finder in a local court for recovery of the *frns*. Loser knows from talking to his lawyer that in the *de facto* legal system, Loser has no cause of action against Finder based upon a contract, because there is no real contract between Loser and Finder; and Loser has no cause of action against Finder based upon a *delict* (a tort), because Finder has done nothing to damage Loser. But to Loser's great relief, Loser's lawyer has a cause of action that he guarantees will work. Based upon the doctrine of *unjust enrichment*, Loser's lawyer will claim that there is a fictitious contract, a *legal fiction* called a *quasi contract* between Finder and Loser, and based upon Finder's breach of this fictitious contract, the court should order Finder to return the *frns* to

Loser. If Loser can prove that he owned the *frns* before he lost them, and if he can give a reasonable explanation for how they came to be floating on the lake, then the court should issue an order for Finder to return the *frns*.

When Finder is served a summons and complaint indicating that Loser is suing him, he does a little legal research to see if there's any way to beat Loser in court. From his perspective, Finder is being coerced into a *fictional* contract by the *police powers* of the court. From his perspective, coercion is always wrong except when it's used against criminals, or to collect reasonable taxes. Finder knows he's not a criminal. Finder thinks that if Loser wants those *frns* so much, then he should have kept a better grip on them. To Finder, this *fiction of law* is in fact injuring him by depriving him of his rightfully acquired windfall. After all, the maxim of law says, "A fiction of law injures no one".[1] But now the court is enabling Loser to injure Finder through court-ordered coercion.

According to the *de facto* legal system, when this controversy comes before the court, any claim by Finder that he is being coerced into a *fictitious* contract will be ignored. As far as the court is concerned, Loser's *legal fiction* trumps Finder's claim of coercion. The court will follow long-standing precedent, which holds that *fictions of law* "are of an innocent or even beneficial character, and are made for the advancement of the ends of justice".[2] The court will hold that the fact that there is no contract or consent is "immaterial".

In Finder's view, creating *legal fictions* for the sake of procuring justice is equivalent to claiming that the end justifies the means, when the means are a fantasy enforced with the court's sword. Tyrants have used such logic for millennia to pursue their special visions of justice. Besides, in Finder's view, the court is forcing Finder to violate his religion. According to his religion, people who are not participants in his religion are inherently decadent. Finder is convinced that he's been a law-abiding citizen of the U.S.A. for most of his life, but now the court is forcing him to make a choice between abiding by his religion and abiding by the law. According to his religion, contact with people outside his religion, and assistance to them, should be minimized. After finding the *frns*, he decided to keep the *frns* instead of trying to find the previous owner because he saw no reason to return them. When Loser sued Finder in a presumably secular court on *unjust enrichment* / *quasi contract* / *legal fiction* grounds, and the supposedly secular court found in Loser's favor, Finder felt compelled to defend his religious convictions on 1st Amendment grounds. The court ordered Finder to give the *frns* to Loser. Finder believed that

1 **Black's 5th**, p. 562.

2 **Blacks 5th**, p. 562.

the court was violating his *free exercise* of religion, and he believed that the court was simultaneously violating the 1st Amendment's *establishment* clause, by *coercing* him to behave like a Christian. Finder was convinced that the court was trying to force him into acting like a "good Samaritan". But the court followed precedent and ruled against Finder's religion-clause arguments.

In most Judeo-Christian belief systems, the right thing to do is to return the *frns* to Loser. But in Finder's religion, refusing to return the *frns* was the right thing to do. Given that the only human laws prescribed by the Bible for the entire human race are the positive and negative duties that arise out of Genesis 9:6 and that pertain to initiating damage against other people, the right thing for the court to do is to allow Finder to follow his conscience regarding the *frns*, rather than to order coercion against him. The secular court should do its duty under globally prescribed human law. Operating according to biblically prescribed jurisdictional boundaries also happens to be the Christian thing to do. Under a contract administering local Christian law, if Finder were under such a jurisdiction through his prior consent, then the proper thing to do would be to return the *frns* to Loser. But of course this secular court does not have such a jurisdiction.

This case shows how feeble the *unjust enrichment* / *quasi contract* / *legal fiction* legal theory is. Although the Christian thing to do is for Finder to return the *frns* to Loser, for a secular court to use *police powers* to force a non-Christian to follow Christian ethics is inherently non-Christian, and even anti-Christian. This fact becomes even more conspicuous when this case is examined from a Marxist perspective.

If one asks any dedicated student of communism what maxim stands above all others in Karl Marx's system, the student will answer: "From each according to his abilities, to each according to his needs." Anyone dedicated to Christian standards of morality who doesn't understand that this adage comes from someone who was a hardened atheist and materialist, may be prone to assuming that the adage is calling people to be generous to one-another. After all, doesn't this Marxist maxim merely recommend the spirit of community described in the 2nd chapter of Acts? — "And all those who had believed were together and had all things in common; and they began selling their property and possessions and were sharing them with all, as anyone might have need." (vv. 44-45) — The answer to this question is plainly "No!". The Marxist maxim doesn't merely recommend Christian generosity. The Marxist system recommends forced generosity, rather than voluntary generosity. Although most *quasi contract* / *unjust enrichment* cases are much more complex than this, the bottom line in the opinions in such cases is that they generally follow Marx, not Christ.

Christian generosity exists within the context of the biblical covenants, while Marxist generosity does not. Marxist generosity violates global jurisdictions, while genuinely Christian generosity does not. One generates a system of totalitarian bloodshed. The other does the opposite. One presumes to steal from one for the sake of providing benefits to another, while the other does not. One perpetrates *delicts* under *color of law*, under the pretense of generosity, while the other avoids the perpetration of *delicts* entirely. One operates on voluntarism and consent. The other ignores consent and relegates voluntarism to a Siberian gulag. If people adhere to the Marxist maxim without also being mindful of the distinction between the global and local jurisdictions of the biblical covenants, then they are inevitably dedicated to designing and supporting a system of government that institutionalizes the perpetration of *delicts* against its own people.

These facts about the Marxist maxim apply equally to the *quasi contract* / *unjust enrichment legal fiction* syndrome. They apply to *contracts implied in law* and *legal fictions* in general. If these legal concepts are not judiciously contained within overarching jurisdictions that honor consent, then they inherently lead to abuse of power, and they put a government stamp of approval on government-sponsored bloodshed.

Legal fictions are unnecessary, because operating according to biblical jurisdictions makes them unnecessary. *Legal fictions* are expedient when a certain remedy is needed to procure justice, but the facts in a case don't readily call forth the remedy, and the judge is left resorting to judicial sophistry in order to procure the desired remedy. Adherence to reliable jurisdictions eliminates this problem. *Legal fictions* exist because of legal deficiencies, in other words, because of defects in the law. They are an *ad hoc*, interim measure set in place to await the establishment of reliable jurisdictions.

Recognition of reliable jurisdictions makes the *contract implied in law* unnecessary for several reasons: (1st)because reliable jurisdictions derive from contracts and compacts that are *implied* or *expressed* in fact, not concocted out of thin air; (2nd)because the *contract implied in law* is inherently unlawful because it involves government-perpetrated *delicts*; (3rd)because all taxing and taking that is outside the lawful jurisdictions of lawful contracts is inherently government-perpetrated *delicts*; and (4th)because coercing conformity to a *quasi contract* on the basis of *unjust enrichment* is always forcing people to be generous, the same way all good Bolsheviks forced people to be generous. Forced generosity is never genuine generosity, and like all *delicts*, it generates blowback of some kind or another.

Whenever a case of *unjust enrichment* arises, where neither *delict* nor contract exists, it arises in the moral sphere, subject to the moral-law leg of the natural law, but

outside the scope of biblically prescribed human law. The natural law may command all people to be generous. But being forced with bloodshed to be generous is entirely different from voluntary generosity. This is true regardless of whether church, state, economic entity, or individual initiates the bloodshed.[1] In both the case of the Marxist maxim and the case of the *quasi contract* / *unjust enrichment* / *legal fiction* doctrine, the State is turned into a thief that redistributes wealth to whomever it chooses. If presumably secular courts were genuinely and consistently secular, they would not adhere to the *quasi contract* / *unjust enrichment* / *legal fiction* doctrine; and they would not force people to be generous; and they would not violate the religious beliefs of people like Finder.[2]

To summarize, in an effort at showing that damage *ex contractu* and damage *ex delicto* fully exhaust the meaning of Genesis 9:6 damage, this "*Quasi Ex Delicto* / *Quasi Ex Contractu*" section has examined legal actions *quasi ex delicto* and *quasi ex contractu*. This section has shown that *quasi ex delicto* is an irrelevant category because it is already encompassed by the definition of *delict* that exists inherently in the *negative-duty clause*. The section has also shown that legal actions *quasi ex contractu* are inherently jurisdictionally dysfunctional, like *trespass*-free crimes. But *trespass*-free crimes and *quasi contracts* in no way encompass the myriad mechanisms through which human governments perpetrate jurisdictional dysfunction. As this exposition of the biblical prescription of global human law continues, legal actions and government actions that are neither *ex delicto* nor *ex contractu* will be examined

1 It's perfectly lawful for a *religious social compact* to have rules regarding generosity. Assuming that all parties to the *religious social compact* are party by consent, for the *religious social compact* to hold the *quasi contract* / unjust enrichment / *legal fiction* doctrine, or the Marxist maxim, or any number of other precepts or principles, as a foundation for its social compact, is perfectly lawful – as long as consent is honored, and *delicts* are avoided. But under a *secular social compact* that attempts to create a lawful umbrella for numerous *religious social compacts*, neither the unjust enrichment doctrine nor the Marxist maxim is a lawful foundation for secular human law. This is because *secular social compacts* by definition have *in personam* jurisdiction over all kinds of people, so that unanimous consent will virtually never exist.

2 All the present secular governments in the united States are inherently *secular social compacts* because of their professed adherence to the 1st Amendment. As such, their primary duty is *jural*, meaning that they exist to protect property rights above all other considerations. At present, these *secular social compacts* are operating under the pretense that they are *religious social compacts*, evidenced by the fact that they force people to conform to laws against *mala prohibita* while many people have never consented to such *mala prohibita*. All these *secular social compacts* are therefore also violating the 1st Amendment by attempting to *establish* some kind of nebulous religion.

in passing, to show that all actions besides these two are *ultra vires*, meaning outside the lawful scope of the global prescription of human law. Contracts and *delicts* exhaust the subject-matter scope of the *negative-duty clause* because if there is genuine damage caused by one party against another, where the damage does not arise out of the breach of a contract that presumably binds the parties, and where the damage is encompassed by the general categories of death, damage, and/or injury, then the damage is by definition *delictual*.

(iv) Conclusion

In conclusion to this investigation into the subject matter of the *negative-duty clause*, there is one sure argument proving that damage *ex delicto* and damage *ex contractu* fully exhaust the meaning of Genesis 9:6 damage: The only reason *delicts* by themselves do not exhaust Genesis 9:6 damage is because contracts set up their own jurisdictional boundaries that are inherently unique. *Delicts* – meaning human-caused damage that arises outside the boundaries of ordinary contracts – are under the immediate jurisdiction of the global covenant. But damage that arises contractually is mediated by the jurisdiction defined by the contract. Contractual damage is certainly under the jurisdiction of the global covenant because it is damage to one person's **primary** or **secondary** property caused by another person, but such damage is mediated by the local contract. Genesis 9:6 damage is limited to damage *ex delicto* and damage *ex contractu* because jurisdiction is always a contractual issue. No lawful claim to jurisdiction exists except by way of contracts / covenants / biblical covenants. Jurisdiction is inherently contractual. This is true in the Bible, and because it's true in the Bible, it should be acknowledged as true in human jurisprudence. No other source of damage can exist because nothing but contracts / covenants / biblical covenants can define a jurisdiction different from the global covenant. So *trespass*-free *mala in se* are outside the immediate purview of Genesis 9:6 damage.[1] So legal actions *ex contractu* and *ex delicto* utterly exhaust the lawful subject-matter jurisdiction of all lawful secular human law. All human actions that are *mala in se* violate the moral-law leg of the natural law tripod. But only *mala in se* that clearly and obviously damage other people are always violations of natural rights protected by globally prescribed human law. The subject matter of the *negative-duty clause* is limited to violations of natural rights, and violations of contractual obligations, that clearly damage **primary** or **secondary** property.[2]

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1 As this exposition continues, it will examine how a local contract subject to an action *ex contractu* can have terms proscribing one or more *trespass*-free *mala in se*.

2 Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**, argues that natural rights consist of not merely **primary property** and **secondary property**,

Sub-Chapter 2:
In Personam Jurisdiction of the Negative-Duty Clause

This exposition has already presented a preliminary claim that the *in personam* jurisdiction of the Genesis 9:6 prescription of human law covers the entire human race since the promulgation of the Noachian covenant. But there are two mandates in Genesis 9:6. The first mandate is to avoid damaging other people. The second is to execute justice against people who damage other people. Because there are two different mandates existing in two different clauses, it's important to look specifically at the jurisdiction of each mandate to make sure the Bible is being exposited correctly. As indicated above, ascertaining the *in personam* jurisdiction of the *negative-duty clause* should begin by ascertaining the *in personam* jurisdiction of the Noachian covenant as a whole.

Genesis 9:17 indicates that the Noachian covenant is between God and "all flesh that is on the earth". Genesis 9:9 indicates that this covenant is between God and Noah and all of Noah's descendants. Genesis 9:12 indicates that this covenant is between God and Noah and "every living creature that is with you, for all future generations". Genesis 9:13 indicates that the Noachian covenant is between God and the earth. — This biblical covenant may be between God and all of creation, but because the current concern is with human law, humans are the focus. Reading strictly to determine what humans are party to the Noachian covenant, it's clear that all humans who survived the deluge, and all their descendants forever into the future, are party to the Noachian covenant. This is true regardless of whether people cognitively consent to being party or not. As already indicated, in the same way that God forms humans in the womb without the cognitive consent from the newly conceived human, and therefore the consent to conception is tacitly given by the newly conceived by way of pre-cognitive consent, consent in the global covenant is also tacit because the covenant operates at a level so rudimentary that it exists beyond the human capacity to cognitively agree, disagree, or even choose.

Focusing specifically on the *negative-duty clause*, the *in personam* jurisdiction is clearly "Whoever" within this larger population. The larger population is the entire human race since promulgation. The "Whoever" subset of this larger population is defined by the subject-matter jurisdiction of the *negative-duty clause*, which has already been addressed. So while the *prima facie in personam* jurisdiction of the *negative-duty clause* is also all people, a second glance shows that the personal

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but also private jurisdiction. Although the remainder of this exposition doesn't get this technical on this front, the cautious reader should assume that natural rights include private jurisdiction. — URL: http://BasicJurisdictionalPrinciples.net.

jurisdiction is limited by the subject matter. The subject matter limits the overall personal jurisdiction to anyone who has allegedly perpetrated damage against someone else. The subject matter limits the jurisdiction as a whole, at least of the *negative-duty clause*. The *prima facie in personam* jurisdiction may include the entire human race, but it really only includes any human who allegedly perpetrates damage against another person. So the *in personam* jurisdiction of the *negative-duty clause* is limited to alleged perpetrators.[1]

As already indicated, if the damages that arise from violating the *negative-duty clause* arise by way of a contract, then the contract, rather than the Noachian covenant, has original jurisdiction. In other words, if someone is damaged by way of a breached contract, then whoever enforces against the breaching party needs to look first to the contract for a remedy, rather than to enforce against the damage as though the contract didn't exist. This is because contracts, by their very nature, define their own jurisdictions. The *in personam* jurisdiction of a contract exclusively includes whoever is a party to the contract. The subject-matter jurisdiction of a contract is defined by the obligations imposed by the contract, which includes whatever penalties and remedies may be imposed by the contract's terms. The territorial jurisdiction of the contract is defined by whatever territorial limitations are placed on the contract according to where the contract is supposed to be implemented, in operation, and/or enforced.[2] Because contractual obligations define human laws, and because humans have a natural right to contract that is inherently as much a natural right as the right to own property, wherever damage arises from a breached contract, the contract has original jurisdiction. This means that whenever damage by one person against another arises out of a breached contract, the contract is a limitation on the subject-matter, *in personam*, and geographical jurisdiction of the 9:6 *negative-duty clause*.

Before migrating from expounding the jurisdictional boundaries of the Genesis 9:6 *negative-duty clause* into expounding the jurisdictional boundaries of the Genesis

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1 This limitation on the jurisdiction is limited still further by the requirement that the damage be recognized as coming either from a *delict* or from the breach of a contract. If the damage comes from a *delict*, then the damage arises from murder, rape, kidnapping, theft, fraud, or any number of other non-contractual damages that people can suffer at the hands of other people. Such damages may be non-contractual, but they are not non-covenantal. This is because such damages are a breach of the Genesis 9:6 term of the Noachian covenant.

2 Based on the discovery that property is absolutely crucial to human nature according to the global covenant, it is crucial to include territorial jurisdiction as indispensable to establishing jurisdiction. Because geographical jurisdiction is relatively trivial, it doesn't require the same focus and attention as personal and subject-matter jurisdictions.

9:6 *positive-duty clause*, it's important to reinforce one fact regarding *in personam* jurisdiction. — The *negative-duty clause* has a global *in personam* jurisdiction, while the Bible's local covenants have a local *in personam* jurisdiction, except to the extent that they inherit the Genesis 9:6 mandate as terms of the local covenants.

Sub-Chapter 3: Territorial Jurisdiction of the Negative-Duty Clause

Based on the discovery that property is absolutely crucial to human nature according to the global covenant, it is crucial to include territorial jurisdiction as indispensable to establishing jurisdiction. Because geographical jurisdiction is relatively trivial, it doesn't require the same focus and attention as personal and subject-matter jurisdictions. Even so, before focusing on the *positive-duty clause* of Genesis 9:6, this exposition should say one more thing about the territorial jurisdiction of the Noachian covenant. Although the earth is included as a party to the covenant, the covenant's territorial jurisdiction is not limited to the earth. Implicitly, because the covenant has *in personam* jurisdiction over all humans, wherever humans go, the territorial jurisdiction of this covenant follows. So moon walkers and space-station occupants don't escape the jurisdiction of this biblical covenant.

Sub-Chapter 4: The Positive-Duty Clause in General

The *positive-duty clause* of the Genesis 9:6 mandate says, "by man shall his blood be shed". As already mentioned, "shall" indicates that this clause is mandatory. All human beings are mandated to execute justice against the "Whoever" indicated in the *negative-duty clause*. Even though the *negative-duty clause* has *prima facie* personal jurisdiction over all people, its personal jurisdiction is really limited to people who allegedly damage other people, either *ex delicto* or *ex contractu*. Likewise, the *prima facie* personal jurisdiction of the *positive-duty clause* is also over all people. All human beings are thereby mandated to execute justice against "Whoever sheds man's blood". This raises huge questions that revolve primarily around capacity and willingness. Are infants required to execute justice? What about invalids? If the perpetrator is a large group of people working as a unit, is one person supposed to execute justice against the whole group? What does it mean to execute justice? Is the execution of justice under this mandate limited to a retributive subject matter?[1]

1 Due to the fact that this clause appears to be focused not so much on the execution of justice as on blood-for-blood retribution, which is equivalent to eye-for-eye, tooth-for-

If so, then how does one execute retributive justice against a kid who just stole a piece of bubble gum? Is the *positive-duty clause* demanding the execution of the kind of retributive justice portrayed in the famous youtube.com video of the Iranian 10-year-old boy having his forearm ceremoniously crushed under a car for stealing a loaf of bread?

Obviously, there are huge questions involved in defining both the *in personam* jurisdiction and the subject-matter jurisdiction of this *positive-duty clause*. Both are extremely dependent upon the distinction between natural law exclusive of human law and the subset of natural law that includes exclusively the biblical prescription of human law. — Finding the subject-matter jurisdiction of the *positive-duty clause* is equivalent to answering two questions: (a)What penalty is required against the "Whoever" who violates the *negative-duty clause*? (b)Who, specifically, is the "Whoever" who violates the *negative-duty clause*? The answers revolve around three things: (i)They revolve around the explanatory power of substituting "life" for "blood": "by man shall his life be shed". (ii)They revolve around keeping the *positive-duty clause* within the spirit of the *motive clause*, "For in the image of God He made man". (iii)They revolve around properly understanding the *in personam* jurisdiction of the *negative-duty clause*, the "Whoever". — Finding the *in personam* jurisdiction of the *positive-duty clause* is equivalent to answering the question, Who is supposed to execute justice, enforce, adjudicate, *etc*., against the "Whoever" who violates the *negative-duty clause*? The answer revolves around two other things: (i)It revolves around the natural right, even the need, to contract. (ii)It revolves around the need to distinguish damage *ex delicto* from damage *ex contractu*. Within the context of the Noachian covenant, the *prima facie in personam* jurisdiction of the *positive-duty clause* may indeed be over all people. But how all people are supposed to execute such justice is a huge issue. It is one of the core problems at the root of every human government. This is precisely why this exposition will spend so much time henceforth focused on this issue.

Sub-Chapter 5:
Subject Matter of Positive-Duty Clause
(Nature of the Penalties against "Whoever")

Each of the biblical covenants is "eternal", which means, among other things, that the terms are intended by the divine author to be meaningful to people in both ancient and modern times, and at all times in between. It's in the nature of **progressive revelation** that subsequent special revelation of natural law should

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tooth, *lex talionis* retribution.

assist in the proper understanding of both previous special revelation and general revelation. For anyone who takes the biblical covenants seriously, it's inevitable that **progressive revelation** would influence one's worldview in the direction of seeing an intimate nexus between special revelation, general revelation, and science. In fact, for such a person, the basic mental processes involved in science and Bible study are essentially the same, meaning that both involve both inductive and deductive processes.

While scientists take nature, meaning general revelation, as the subject about which they induce hypotheses, which they then test against whatever evidence they can gather from nature, biblical theologians take the Bible as the subject about which they induce hypotheses, which they then test against both biblical evidence and evidence from general revelation. Since God created both nature and the Bible, and thereby reveals himself both generally and specially, it's reasonable that the theologian would draw from both sources, and operate in both arenas, as long as his allegiance is primarily to the biblical covenants.

Given that there are basic hermeneutical principles used by people who believe that they are party to one or more of the biblical covenants, it's reasonable that such people in modern times might find new meanings in the terms of ancient biblical covenants, meanings that have been embedded in the text since the beginning, where these meanings were overlooked in earlier times because these meanings were not relevant to them then, although such meanings are extremely relevant to modern circumstances. As long as these newly induced meanings do no violence to any part of the biblical text, and as long as they can be seen to genuinely exist in the biblical text, it's reasonable that modern people would take these meanings seriously. — These ideas about interpretational policy are extremely pertinent to the modern understanding of Genesis 9:6, including to determining the subject matter of the *positive-duty clause*.

By saying, "Whoever sheds the blood of man, by man shall his blood be shed", the Bible is setting up a proportionality. But this is not the normal way that this verse has been interpreted historically. On its face, it appears that this is a plain statement of the *lex talionis*. The *lex talionis* is an ancient legal principle that appears in numerous legal systems, both ancient and modern:

> *lex talionis* — The law of retaliation; which requires that the infliction upon a wrongdoer of the same injury which he has caused to another.[1]

1 **Black's 5th**, p. 822.

The *lex talionis* mandates injury for injury. As such the *lex talionis* is not a proportionality, but is rather a one-to-one correspondence. This exposition contends that Genesis 9:6 should be interpreted as a proportionality, rather than as a one-to-one correspondence, like this:

$$\frac{\text{victim's shed blood}}{\text{victim's total blood}} = \frac{\text{perpetrator's shed blood}}{\text{perpetrator's total blood}}$$

Claiming that this is a proportionality rather than a one-to-one correspondence may appear at first to be an arbitrary assumption imposed upon the text. In fact, it's no more arbitrary to assume that this is a proportionality than it is to assume that it's a one-to-one correspondence. This is akin to the difference between the assumption that Genesis 9:6 blood is literal blood, versus the conviction that it is metaphorical. For reasons scattered throughout this entire exposition, this exposition holds both that the blood is metaphorical and that the shed blood of both victim and perpetrator are proportional, and not merely a one-to-one correspondence. Some people who insist that Genesis 9:6 is a statement of the *lex talionis* may do so because they insist that Genesis 9:6 is a precursor to the *lex talionis* clearly mandated in the Mosaic covenant. They might see a conflict between the proportionality claim and the Mosaic covenant.

As secondary cause in the authorship of the *Torah*, Moses was the author of the four books of the *Torah* that contain the Mosaic covenant as surely as he was the author of Genesis. The Mosaic covenant certainly contains the *lex talionis*, or at least that has been the accepted interpretation since numerous centuries before the Christian era. So why should anyone think that Genesis 9:6 is not also a statement of the *lex talionis*? Here is a sample of the *lex talionis* in the Mosaic covenant:

> But if there is *any further* injury, then you shall appoint *as a penalty* life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise. (Exodus 21:23-25; **NASB**)[1]

This shows that the Mosaic covenant certainly gives the appearance of containing the *lex talionis*, this one-to-one correspondence. But the Mosaic covenant also certainly contained restitution,[2] which vitiates any claim that Mosaic law is based entirely on the *lex talionis*. — The claim that God, through Moses, prescribed a proportionality as the basis for global human law, rather than the one-to-one correspondence of the *lex talionis*, appears to be contradicted by the interpretational policy outlined above, that subsequent revelations of natural law should assist in the interpretation of prior

1 See also Leviticus 24:19-20; Deuteronomy 19:21.

2 Exodus 21:33-22:15.

revelations. In **progressive revelation**, subsequent revelation should act to clarify the meaning of prior revelations. As is clear in this passage from Exodus, the Mosaic covenant's prescription of the *lex talionis* is so clearly one-to-one correspondence, that proportionality does not seem to be in view in this passage at all, and this appears to vitiate the claim that **progressive revelation** goes from one-to-one correspondence to proportionality, rather than the other way around. So it appears to vitiate the interpretational policy outlined above. — This exposition holds that it does NOT vitiate the interpretational policy, for reasons that are made clear below.

In ancient law, both biblical and extra-biblical, the *lex talionis*, law of retaliation, was a crucial aspect of the execution of justice. But as legal systems have matured, or have become more decadent, depending upon one's perspective, they have generally tended to de-emphasize the law of retaliation. This erosion of the *lex talionis*, and replacement of it with restitution, exile, outlawry, and numerous other mechanisms, tends to happen largely because, when the offense is not actually murder, the one-to-one correspondence tends to become easily skewed. For example, if the perpetrator has one eye, and the victim just lost one of his two eyes to the perpetrator's act, then after the execution of the *lex talionis*, the victim will be left with one eye, and the perpetrator will be left utterly blind. To lose one eye is to lose one's depth perception. To lose both eyes is to lose sight entirely, which is far worse than losing one's depth perception. So even if the penalty is deemed perfectly just in this case, it's clearly not right to claim that the victim's loss and the perpetrator's loss are equivalent. Even though there may be a one-to-one correspondence after a superficial examination, there is not really a one-to-one correspondence. It's not certain that equivalence in loss yields justice, even if the *lex talionis* appears to demand equivalence in loss.

When "blood" is understood to be metaphorical, standing symbolically for "life", the proportionality looks like this:

$$\frac{\text{victim's shed life}}{\text{victim's total life}} = \frac{\text{perpetrator's shed life}}{\text{perpetrator's total life}}$$

When the perpetrator's *delict* is murder, this proportionality is exactly the same as the *lex talionis*. For example, if the evidence in a murder case proves the perpetrator's *mens rea*, then in modern terminology, this would be capital murder. Under such circumstances, the ratio on the left side of the proportionality is obviously one, because the victim's whole life was shed. Given the perpetrator's intent, it makes sense, according to this proportionality, that the perpetrator's whole life would also be shed. So this is the way both the *lex talionis* and this proportionality would work, given that the *delict* is capital murder. Both demand capital punishment. — Once the victim is dead, there is no way the perpetrator can pay restitution to the victim.

In some legal systems it may have been acceptable for the perpetrator to pay some kind of restitution to the victim's relatives, and to thereby attain relief from societal guilt. But restitution to relatives can never suffice as restitution to the victim. The fact that the victim is dead is proof that restitution or restorative justice can never suffice, unless the perpetrator can somehow bring the dead back to life. This failure of restitution in the case of murder, along with the sequence of biblical events leading up to the Genesis 9:6 mandate, stand as proof that interpreting Genesis 9:6 as equivalent to the *lex talionis*, at least when the *delict* is murder, is absolutely appropriate, because the proportionality and the one-to-one correspondence are exactly the same when the *delict* is murder.

This exposition holds that it's impossible to clearly reconcile the proportionality mandated in Genesis 9 and the *lex talionis* apparently mandated in Exodus 21:23-25 with the bizarre punishment of murderers in Genesis 4, unless one understands two things: First, it's necessary to understand the radical distinction between natural law and human law. Second, it's necessary to understand that God is under no obligation to esteem human law with the same gravity with which humans are prone to esteem it. Natural law never changes, even though God's revelation of natural law is progressive. Because God's prescription of human law is a subset of God's **progressive revelation** of natural law, one might assume that the prescription of human law is as straightforward and rational as the revelation of natural law. But that would be a dangerous assumption, because in human law extremely fallible creatures mediate the enforcement of natural law. — As stated above, this exposition holds that the penalties leveled against murderers in the antediluvian era stand as an object lesson given by God to the entire human race. The object lesson is essentially this: Every human, meaning Adam and Eve and each of their descendants, is incapable of acting as genuine sovereign over their mind. This is evidenced by every human's failure as miniature sovereign. Given that this is true, why should any human or group of humans be trusted as sovereign over any other human or group of humans? The obvious answer is that they shouldn't be. Neither God nor any human should trust any human to execute justice against any other human. The fall is too radical, and humanity is too corrupt.[1]

When God put a mark on Cain (Genesis 4:15b), He made it clear to everybody that anybody who executed the *lex talionis* against Cain would suffer tremendously

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1 The obvious exception to this is the situation in which natural rights are *bailed* into someone else's custody, which is the situation in *bailment* contracts that naturally exist between parents and children, and also more artificially between guardians and wards. See Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

for doing so. This tacit mandate to NOT execute the *lex talionis* is no more frivolous or arbitrary than God's mandate in Genesis 9:6 to execute the proportionality. In fact, it's only possible to properly understand the proportionality in Genesis 9:6 within the context of the *lex* NIX *talionis* of Genesis 4. God so loathes *color of law* human law that violates natural rights and natural law that he marked the prescription of global human law in Genesis 9:6 with a **MASSIVE DISCLAIMER:**

> I, God, hereby declare to all humanity that as long as you exist in the habitat between the garden and the New Jerusalem, you are generally not qualified to enforce the natural law against other people (Genesis 4). Therefore, with reluctance and disgust, I hereby mandate that you enforce as human law this extremely limited subset of the natural law that pertains to obvious damage perpetrated by one person against another, and to absolutely nothing else (Genesis 9).[1]

According to the interpretational protocol demanded by a strict distinction between natural law and the biblical prescription of human law, the Genesis 4 object lesson is absolutely rational. All other explanations for this discrepancy between the *lex* NIX *talionis* and the Genesis 9:6 proportionality are all short on reason, expository significance, and explanatory power. After making this Genesis 4 object lesson / disclaimer, God acquiesced to the need to protect natural rights based on the following line of reasoning: How can humanity ever develop aggregate dominion without setting real boundaries for human behavior? If the boundaries are not enforced, then the boundaries don't exist. If boundaries don't exist, then there is no hope of developing aggregate dominion, and no hope for the New Jerusalem. The enforcement of these boundaries by humans, is a crucial aspect of humanity's maturation into a race of miniature sovereigns. Such societal enforcement of boundaries is to aggregate dominion what the individual's dominion over his/her own mind is to the individual's dominion. — This relates directly to the interpretational policy that's being used in this **exegesis**.

Although it's true that the Bible progressively reveals the natural law, the Bible's prescription of human law doesn't follow exactly the same pattern. The prescription of human law is always directly connected to some principle of the natural law, but the prescription of human law is crude and imperfect, while the natural law remains eternally perfect. The juxtaposition of the *lex* NIX *talionis* of Genesis 4 with the

1 The "obvious" is crucial in this disclaimer because the damage must be proven to exist in a secular human court, and such courts are notorious failures at rendering justice when evidence is subtle instead of obvious.

Genesis 9:6 mandate sends a message that should be clear to anyone: The Bible's prescription of human law is crude and imperfect because humanity is crude and imperfect.[1] The degree of crudeness is inversely proportional to the degree of human understanding of the moral-law leg of the natural law. The greater the crudeness of the Bible's prescription of human law, the less understanding of the moral-law leg of the natural law the target audience has. So even though the natural law never changes, and even though the Bible progressively reveals it, the prescription of human law is not progressive, but is rather a function of the sophistication of the human parties. So when the Mosaic covenant prescribes the *lex talionis*, following the principle of **progressive revelation** would lead to the conclusion that Genesis 9:6 must also be interpreted as *lex talionis*. But using an interpretational policy that recognizes **progressive revelation**, but which nevertheless emphasizes the distinction between natural law and human law, does not allow such facile misinterpretation of Genesis 9:6.

The ***anarchy era*** object lesson / disclaimer should be understood in juxtaposition to the Genesis 9:6 mandate. The antediluvian rejection of the *lex talionis* ended in disaster. When the core natural right, the natural right to one's **primary property**, is not safeguarded with severe punishment to anyone who would violate it, the society exercising such rejection self-destructs, or is destroyed by an "act of God", or both. When the core natural right to one's life is disregarded by an entire society, and people are allowed to get away with murder, there is no justice for the victim or for anyone else, except by way of the natural law. When there is no respect for **primary property**, there is no reason to respect **secondary property**. At some point, the corruption is so monumental that there is no societal hope for escape from the vortex sucking the entire society into oblivion. God always provides an escape valve for his people like Noah, Abraham, Moses, and their followers. But at some point the society itself is doomed and beyond redemption. This pattern is repeated over and over and over again in human history. The juxtaposition of this antediluvian object lesson and Genesis 9:6 are a core description of this societal phenomenon. God is absolutely justified in having low regard for human government, and every human who loves God needs to view human law with similar skepticism. Although human law is a necessary aspect of the road to the New Jerusalem, humans are so prone to abusing human law that only constant vigilance can keep it from going bad.

The juxtaposition of the antediluvian object lesson / disclaimer with Genesis 9:6 shows how extremely important the *lex talionis* is with respect to murder. No

1 This is true up to the promulgation of the Messianic covenant, at which time both natural law and God's prescription of human law are perfectly revealed, although they are not perfectly understood by humans, because they have not been systematically integrated.

murderer can pay for his *delict*. Calling murder a *public delict* and claiming that the murderer can pay his debt to society by being executed totally misses the point. The victim is dead and cannot be repaid. If justice cannot be had by the victim, then justice for bystanders and third parties is nothing but a consolation / booby prize. But the *lex talionis* with respect to murder is the closest thing to justice that human law can provide. This is true in spite of the fact that the *lex talionis* tends to appear extremely unjust and inappropriate in lesser *delicts*. Nevertheless, the life-for-life proportionality still holds for lesser *delicts*, even though the *lex talionis* doesn't.

If Genesis 9:6 is understood to be the primary article of a global constitution for human law, then the object lesson / disclaimer is the constitution's preamble. The Genesis 9:6 proportionality holds even under the Messianic covenant's dispensation of grace, evidenced by the fact that the Messianic covenant never refuted the Genesis 9:6 proportionality in any way. The grace progressively revealed through the Messianic covenant never refuted the Genesis 9:6 proportionality that is the basis for global human law. The object lesson / disclaimer in combination with the proportionality is the foundation for global human law, which is crucial to every human government.

In modern times the *lex talionis* has in many respects fallen out of favor. This has pros and cons. — On the con side: Allowing murderers to live long after they've been convicted is essentially allowing them to get away with murder. — On the pro side: In lesser *delicts*, the *lex talionis* breeds penalties that are disproportionate to the *delict*, like the case of the one-eyed man who pokes out one of the eyes of a two-eyed man. In many respects, over the last several centuries, American common law has remedied many of the excesses of the *lex talionis* with regard to lesser *delicts*. In effect, through common sense, the courts have devised remedies to most minor *delicts* that are decent approximations to the life-for-life proportionality. — Strict adherence to the blood-for-blood, one-to-one correspondence misses the point of the *motive clause*. The *motive clause* says the life-for-life proportionality exists to make sure the *imago Dei* is always honored. — In regard to legal actions *ex contractu*, penalties should always be defined either express or implied in the terms of the contract. So the *lex talionis* has practically no application to actions *ex contractu*. Even so, the life-for-life proportionality always exists as a guideline for interpreting contracts.

TO REITERATE: In this system of covenants, humans are created in the image of God, and even after the fall, in the Noachian covenant, every human being still has the *imago Dei*. The *imago Dei* is the rational source of every human being's natural rights. Whenever natural rights are not recognized, ***survival of the fittest*** becomes the default rule. Natural rights are every human being's inherent, inevitable, and unalienable possession and property. If the biblical, covenantal system is discarded,

then in the default system that remains, the human race emerged from the slime, gaining more and more abilities in the process of becoming grown up germs. In this system that has become the default these days, the status of human beings is measured relative to the abilities of humanity's microbial ancestry. This system is defined in Darwinian terms that make no allowance for natural rights. The Darwinian system makes room for ***survival value*** and the maxim that ***might makes right***, but natural rights do not come out of Darwin's system rationally. By using contrived logic, one might superimpose natural rights on Darwin's system.[1] But there's no way natural rights come rationally out of the bedrock of Darwin's system. On the other hand, the fact that God has endowed every human being with the *imago Dei* is the foundation of what both theology and jurisprudence have called natural law and natural rights.

These days governments do a huge number of things besides merely prosecute violations of natural rights *ex delicto* and *ex contractu*. Given that the shed blood is a metaphor indicating a *corpus delicti*, the punishment indicated in Genesis 9:6 must also be metaphorical. If a victim is dead, then it's impossible to restore that person's life. So *retribution* is the only penalty that satisfies the Genesis 9:6 mandate. But if someone is injured or has had their **secondary property** damaged, then some other penalty is probably more appropriate, and will probably satisfy the underlying meaning of the verse better than punishment in kind. For example, *restitution* and *injunction* are both penalties that must exist within the ambit of the Genesis 9:6 penalty. The life-for-life proportionality is broad enough to allow for such penalties and remedies, whereas the *lex talionis* is not.

Because the common law has in many respects found decent approximations to the life-for-life proportionality, the real problem with human government is not with finding proportional penalties. The real problem is statism, where statism is defined as a belief system that allows and even encourages human governments to exist that revel in jurisdictional dysfunction. The real problem with human law is not so much with finding proportional penalties, punishments, and remedies. The real problem is that human governments are allowed to exist that execute penalties that are neither *ex delicto* nor *ex contractu*, and these governments are therefore perpetrators of *delicts*, and government officials are essentially above the law, where lawful human law is defined as being consistent with the biblical prescription of human law. By enforcing laws that are neither *ex contractu* nor *ex delicto*, human governments operate *ultra vires* with respect to the Bible's global prescription of human law, evidenced especially by the object lesson / disclaimer. In light of biblical

1 Which is precisely what the United Nations has tried to do by replacing natural rights with "human rights". See the section below on *international law*.

jurisprudence, human governments are therefore glorified crime syndicates to the degree they deviate from this standard. This jurisdictional dysfunction is a much bigger and nastier problem than making sure the punishment fits the Genesis 9:6 damage.

By claiming that common law has found decent approximations of the life-for-life proportionality, it's important to simultaneously provide a very brief description of how that has happened. When normal people need to adjudicate controversies, they need a judicial system that's adept at providing judgments and decisions based on sound principles. A judicial system can either be heavily influenced by statism, or not, although it's probably true that most have been some combination of the two. But the less influenced by statism a judicial system is, the more it's able to render decisions through unbiased principles. At various important stages in its development, the Anglo-American common-law system has been more-or-less free from statist bias. Under such circumstances, courts have been able to refine the definitions of damage and injury on a case-by-case basis, where those definitions have been refined over time through *stare decisis*. *Stare decisis* merely means, "To abide by, or adhere to, decided cases."[1] It is a legal principle in common-law courts that holds that any decision in any given case should be based on decisions made in previous cases that have a similar subject matter. As long as statism and other sources of corruption don't bias such courts, the *stare decisis* process tends to refine the definitions of damage and injury. But if a judicial system becomes influenced by statism, then courts tend to generate statist decisions, and *stare decisis* tends to be a destructive tool that propagates corruption and statist poison throughout the whole system. So under the common-law system of *stare decisis*, there is a continuum of approximation of the life-for-life proportionality. One end of the continuum is statist and tends to yield bad approximations to the proportionality, and the other end is minimally influenced by statism and tends to yield much better approximations. One end yields good refinements to the definition of the proportionality, and the other yields bad distortions of the definition. In addition to this continuum of approximation, political philosophy also sometimes has a positive influence on such approximation. But to the extent that political philosophy is statist, not so much. But even if political philosophy is not statist, political philosophers cannot refine definitions of damage and injury, and proportional penalties thereto, as well as unbiased courts can on a case-by-case basis. So definition of the life-for-life

1 **Black's 5th**, p. 1261.

proportionality has developed slowly and gradually. When unbiased courts come into existence again, that gradual developmental process should continue.[1]

Sub-Chapter 6:
Territorial Jurisdiction of Positive Duty Clause

The territorial jurisdiction of the *positive-duty clause* exists wherever humans exist. Even though this is obvious, there are ample limitations on the jurisdiction of the *positive-duty clause* that arise out of concerns about who is supposed to enforce, and how they're supposed to do so.

Sub-Chapter 7:
In Personam Jurisdiction of Positive-Duty Clause[2]
(Who Enforces, and How)

Ever since the Noachian covenant was promulgated, the human race has faced this problem, even if only in a collectively subliminal sense: How are humans supposed to enforce this global prescription of human law? By trying to build some kind of monolithic global government, or through some more grass-roots mechanism? — The analysis above is clear that all humans are subject to the *in personam* jurisdiction of both the *negative-duty clause* and the *positive-duty clause*. So under the *positive duty*, every human is responsible for prosecuting any violation of the *negative duty*. But unlike the *negative-duty clause*, which globally prescribes a penalty for anyone who violates the *negative duty*, the Bible specifies no global penalty for people who violate the *positive duty*. The Bible does not globally prescribe a penalty for people who refuse or neglect to do what they are obligated to do under the *positive duty*. So even though all people are obligated by the *positive duty* to execute justice, no penalty is prescribed for people who refuse or neglect to do so, *i.e.*, for people who refuse or neglect to execute justice against people who violate the *negative duty*. The

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1 See Rothbard's commentary on non-statist courts: Murray N. Rothbard, **For a New Liberty: The Libertarian Manifesto**, 2nd ed., 2006, Ludwig von Mises Institute, Auburn, Alabama, chapter 12, "The Public Sector, III: Police, Law, and Courts", especially pp. 283-284. — URL: http://library.mises.org/books/Murray N Rothbard/For a New Liberty The Libertarian Manifesto.pdf, retrieved 20 June 2016.

2 This sub-chapter manifests the fundamental mechanisms of how to build governments based upon biblical guidelines, and as expressions of the biblical narrative. To see how the principles and guidelines expounded herein apply to the existing American governmental system, see Porter, **Theological Inventory of American Jurisprudence**. — URL: http://www.BasicJurisdictionalPrinciples.net.

Bible certainly specifies a penalty for people who violate the *negative duty*, namely the life-for-life proportionality. But here in this global covenant, the Bible specifies no penalty for people who refuse or neglect to participate in the prosecution of people who violate the *negative duty*. Unlike the *negative duty*, the *positive duty* is NOT backed up by a penalty to be executed by other humans. So the *positive duty* exists in the realm of the moral-law leg of the natural law, but not in the realm of the biblical prescription of human law. So at the core of this global prescription of human law, is this stark distinction between human law and natural law.

It's crucial to bear in mind that this exposition is following rigorous interpretational policies that demand rigorous recognition of the distinction between human law and natural law.[1] Recognizing this distinction is crucial because human law is extremely fallible. Because humans are extremely fallible, human law is also extremely fallible, and so is the human comprehension of natural law. Natural law is flawless and infallible, but human perception of it is not. So human law needs to go through a sanctification process similar to the way that every human being needs to go through a sanctification process. So these interpretational policies demand that a necessary aspect of biblical jurisprudence be that if there is a divine mandate in a passage of the Bible, where the mandate is not accompanied by an explicit indication that humans should punish humans who violate the given mandate, then there is no explicit prescription of human law there. The existence of a *negative* or *positive duty* does not automatically entail the simultaneous existence of a distinctly different *positive duty* to enforce the first duty. A biblical mandate, a *positive* or *negative duty*, is certainly a description of ethical behavior under the divine law's description of natural law. But to know how to implement such a mandate as human law, or even to know whether such a mandate should be implemented as human law, it's necessary to avoid jumping to the conclusion that natural law must always be translated into human law, or that it's easy to translate natural law into human law. It's foolish not to heed the distinction between a mandate that is explicitly accompanied by a penalty to be executed by humans, and a mandate that has no such penalty. The former is clearly an explicit prescription of human law. It is explicit because a penalty is prescribed for execution by human against human. On the other hand,

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1 Such interpretational policies are not **eisegesis**. They are not superimposing extra-biblical concepts on Scripture for the sake of making Scripture say things that it doesn't really say. On the contrary, such policies are upholding precepts and principles induced through **exegesis** for the sake of understanding the rationally consistent message the Bible delivers in spite of human irrationality. The conviction that the Bible is rational demands that principles induced **exegetically** elsewhere in Scripture be tested for veracity wherever any challenge to such principles might arise.

a mandate that is not accompanied by such a penalty demands far more care in its translation into human law. In fact, the biblical author might intend for such a mandate to NEVER be translated into human law. A mandate that lacks a penalty is certainly a mandate that exists in the realm of the biblical description of natural law, but not necessarily in the realm of the biblical prescription of human law. So wherever a mandate from God exists in the Bible, it's critical to understand that it must necessarily have a *prima facie* status that is one of the following: (i)Because it is NOT accompanied by a penalty to be executed by human against perpetrator, and for other reasons apparent in the context, no attempt should ever be made to implement the mandate as human law. The mandate should remain perpetually in the realm of natural law, to the exclusion of human law. (ii)Even though the mandate is NOT accompanied by a penalty to be executed by human against perpetrator, it might be good to implement the mandate as human law, if some way could be found to do so without violating natural rights inherent in the *imago Dei*. The only possible way that this could happen is via a local contract in which the parties volunteer to be subject to a penalty for violating the mandate. (iii)Because the mandate IS accompanied by a penalty to be executed by human against human, it's important to implement the mandate as human law, and to do so in a way that doesn't violate the natural rights inherent in the *imago Dei*.

Regarding natural law as it exists within this moral-law leg of the natural-law tripod, it's certain that humans need to modify their thoughts, speech, and behavior in whatever way is necessary to bring themselves into conformity with natural law. It's also safe to assume that such conformity could be enhanced when people enter into contracts with one another to help each other with such conformity. But it's radically perverse to convert any description of natural law into human law, where the human law violates natural rights. Because of the long history of abusing natural rights in the name of biblical Christianity, it's important to look at these three *prima facie* statuses of every God-given mandate in slightly more detail. If it's understood that a penalty-bearing mandate is a mandate that's accompanied by a penalty to be executed by human against human violator, then the following are generally true: (i)Some non-penalty-bearing mandates should never be implemented as human law, and they should never be seen as implicitly prescribing implementation of the mandate as human law. (ii)Some non-penalty-bearing mandates do implicitly call for implementation of the mandate as human law, but because it is a non-penalty-bearing mandate, it can only be implemented as human law that pertains to parties to a local contract. (iii)All penalty-bearing mandates explicitly call for the implementation of the mandate as human law.

(i)NON-PENALTY-BEARING (NEVER): An example of a non-penalty-bearing mandate that should NEVER be implemented as human law can be seen in Mark 12:30. This mandate to love God with heart, soul, mind, and strength gives no hint of how the mandate could be implemented as human law. It is too far removed from proximate linkage between damage-to-other and cause of damage-to-other for it to be implemented as human law.

(ii)NON-PENALTY-BEARING (WITH LOCAL COVENANT ONLY): If one were to assume, for the sake of example, that the proscription of adultery in Exodus 20:14, is the only mandate against adultery in the Bible, then that verse would be a good example of a mandate that has no penalty, but should nevertheless be implemented as human law by way of a local covenant. Under this momentary assumption, it is a non-penalty-bearing mandate that implicitly calls for implementation of the mandate as human law. But how does one distinguish a non-penalty-bearing mandate that calls for implementation as human law from a non-penalty-bearing mandate that does NOT call for implementation as human law? — When the Bible makes it clear that adultery is something to avoid, it's reasonable for people who are committed to their belief in the Bible to enter into contracts with one another, where such contracts stipulate penalties for parties who commit adultery. Such voluntary social pressure helps the volunteers to conform to the mutually agreed-upon standard. By voluntarily entering into a contract that holds the parties to a no-adultery standard, the parties thereby translate the divine law's description of a standard in the moral-law leg of the natural-law tripod into human law that is fundamentally voluntary. Evidence that it's voluntary exists in the fact that the parties only impose this standard on each other, not on non-parties. So this extra-biblical contract would implement this biblical standard of morality as human law that is governed by the jurisdiction of that local contract. This jurisdictionally valid promulgation of law against adultery is valid because it assumes that any given accuser should be able to produce a verifiable linkage between the accusation of adultery and the evidence that the adultery is fact. In contrast to this jurisdictionally valid translation of a non-penalty-bearing mandate into human law, other non-penalty-bearing mandates, such as the one in Mark 12:30, offer practically no hope of translation into human law because they are far too general, and the damage-to-other is far too nebulous. Mark 12:30 describes natural law that should never be specifically converted into human law.

(iii)PENALTY-BEARING (ALWAYS): The prime example of a penalty-bearing mandate appears in Genesis 9:6. This and all other penalty-bearing mandates in the Bible call for implementation of the mandate as human law. The penalty-bearing mandate is an explicit prescription of human law. In an explicit prescription of

human law, like the prescription that exists in Genesis 9:6, it's necessary to know the jurisdiction of the given mandate as a first step in implementing it without violating natural rights. Under what covenant is the mandate given, and what is the jurisdictional scope of that covenant? — Because the jurisdiction of the Noachian covenant is global, the *prima facie* jurisdiction of the *negative-duty clause* is also global. But as already indicated above, the actual *in personam* jurisdiction is limited to perpetrators within this global population. The fact that all humans are inherently subject to this global covenant doesn't translate automatically into cognitive acknowledgment, acceptance, and appreciation for the fact that all humans are subject. Some people become cognitively aware of what is inherently true, and some people don't. People who become consciously aware of their inherent participation, and who choose to cooperate with that participation rather than pretend that it's not part of their nature, are people who will want to do whatever they're able to do to implement such human laws. What the interface should look like, between people who recognize and accept their participation in the global covenant, versus people who do not recognize and accept their participation in the global covenant, is crucial to the existence of any kind of human law that's based on the Bible, where such human law is not jurisdictionally dysfunctional. Likewise, if humans presume that they should punish someone who violates a biblical law, without establishing that lawful jurisdiction exists, then such self-appointed prosecutors are presuming that they should usurp God's authority as the promulgator and enforcer of natural law. Such usurpation is a violation of boundaries, and such violation is the essence of missing the mark. A similar error is at the core of every tyranny and at the core of all jurisdictional dysfunction in human law. So the lawful interface between people who recognize and accept their participation in the global covenant, versus people who don't, is based entirely upon recognition of lawful jurisdiction. The core issue for people who recognize and accept, is how to build lawful human governments, *i.e.*, governments that are functional, viable, and honoring to such jurisdictional limitations.

Even though it's obvious that the biblical narrative holds that the *positive-duty clause* has *in personam* jurisdiction over all living humans, making all humans obligated to enforce against people who damage other people, it's not so obvious how this duty can be fulfilled without violating natural rights. While the *negative-duty clause* is clearly a penalty-bearing mandate that explicitly calls for implementation as human law, the *positive-duty clause* is clearly a non-penalty-bearing mandate that MAY implicitly call for implementation as human law. If the *positive-duty clause* is to be implemented without violating natural rights, then the only way to do that is through the kind of local contract described above in regards to adultery. This would be a local contract focused on penalizing violations of the *negative duty*, rather

than on penalizing adultery. In order to focus holistically on this kind of contract, it should help to abstract a bit to see the problem from a different perspective.

Advocates of "anarcho-capitalism" claim that the state, meaning secular human government as it's generally recognized and understood, is inherently a violator of natural rights.[1] They claim that anarcho-capitalism must replace statism in order to eliminate the state's violation of natural rights. In contrast to this anarcho-capitalist claim, many opponents of anarcho-capitalism simply repudiate anarcho-capitalism by claiming that it's anarchy, and that anarchy by its very nature does not work. Other opponents of anarcho-capitalism recognize that its advocates are in favor of free markets and *laissez-faire* capitalism, and these other opponents, being in favor of that breed of economics (at least nominally), are sympathetic to anarcho-capitalism, but nevertheless claim that it won't work. This latter group of opponents claims that it won't work because anarcho-capitalism doesn't adequately describe the contractual mechanisms necessary to make *laissez-faire* capitalism genuinely work, *i.e.*, to make it work without being tainted with the systemic violations of natural rights that have usually accompanied nominally free markets. So this latter group is committed to the goals of anarcho-capitalism while holding that the methods proposed are deficient and defective. — From a biblical perspective, anarcho-capitalism is not anarchy in the same sense that the antediluvian society was anarchy. That's because anarcho-capitalism advocates laws that are specifically designed to protect natural rights. That's not something that the antediluvian society did, and the antediluvian society was certainly anarchistic if any society ever has been. So anarcho-capitalism doesn't really advocate anarchy. — Regarding the latter group's claim about mechanics, anarcho-capitalism definitely fails to adequately describe the contractual mechanisms necessary to make *laissez-faire* capitalism work.

At the core of this distinction between the *negative-duty clause* and the *positive-duty clause* is not only a distinction between human law and natural law. At the core of the distinction between these two clauses is also an implied demand for contractual mechanisms aimed at properly protecting natural rights. This is obvious by way of the *motive clause*, "For in the image of God He made man". Implicit in the *motive clause* is a concern for protecting natural rights without violating natural rights. So there is certainly a demand for something like anarcho-capitalism's commitment to protecting natural rights. But anarcho-capitalism is inadequate because of its failure to adequately describe the necessary contractual mechanisms. In order to properly address the *positive-duty clause*, this exposition must enter into describing such contractual mechanisms. This exposition will henceforth refer to

1 For a prototypical introduction to anarcho-capitalism, see Rothbard, **For a New Liberty**, pp. 267-299.

whatever social superstructure fully implements these mechanisms as a "natural-rights polity". But before entering into describing these contractual mechanisms, it should help to further ground the description in Scripture, while simultaneously describing one other major flaw in anarcho-capitalism.

Anarcho-capitalism and economic libertarianism in general both claim that it is inherently bad for one human party to initiate violence against another. As far as it goes, that's probably a good and worthy claim. It approximates the *negative duty*, but it doesn't go far enough. That it doesn't go far enough becomes evident when one questions the grounds upon which such claims are made. The basis that these *isms* use to ground such claims is a more-or-less bald commitment to what they call the "nonaggression axiom", "non-aggression principle", "non-initiation of force principle", *etc.* These claims are essentially based on dogma and dicta. In contrast to bald dogma and dicta, this exposition claims that these "libertarian" axioms and principles are encompassed by the *negative-duty clause*, and it claims that the *negative-duty clause* is grounded in agreement between special and general revelation. The *negative-duty clause* is grounded in special revelation by way of Genesis 9:6. It's grounded in general revelation by way of being necessarily built into the human genome.[1] So this exposition is claiming (i)that all people have natural rights; (ii) that all people are inherently obligated to avoid violating the other's natural rights; and (iii)that all people are inherently obligated to execute justice against violators of others' natural rights. — (i)This exposition is claiming that the grounds for claiming that all people have natural rights can be found in the *motive clause* and the human genome. (ii)It's claiming that the innate duty to avoid violating the natural rights of other people can be found in the *negative-duty clause* and the human genome. (iii)The third claim is a major point of departure by this exposition from conventional anarcho-capitalism / economic libertarianism. Unlike anarcho-capitalism / economic libertarianism, this exposition claims that all people have an innate duty to execute justice against people who violate other people's natural rights. Anarcho-capitalism / economic libertarianism make no such claim. This exposition bases this third claim on the combination of the *positive-duty clause* and the human genome. The absence of this innate duty in anarcho-capitalism is a major flaw that leads to that secular philosophy's inability to describe a comprehensive system of contracts that might make that philosophy viable. That secular ideology appears to deliberately avoid admitting the existence of such a global *positive duty*, presumably because statists might use such an admission as ammunition to promote statism. In contrast to anarcho-capitalism's posture of avoiding admission that this

1 See Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://www.BasicJurisdictionalPrinciples.net.

global *positive duty* exists, this exposition holds that the global *positive duty* is what makes the natural-rights polity viable. This exposition also claims that the fact that the *positive-duty clause* is non-penalty-bearing is precisely why this system of contracts is not simply another breed of minarchism.[1] This exposition is not simply proposing another breed of minarchism. Instead, it claims that humanity should replace the state with the natural-rights polity, and this includes replacement of every minarchist conception of the state with the natural-rights polity. This exposition finds agreement between special and general revelation in this arena through the existence of pre-cognitive contracts and pre-cognitive consent. These pre-cognitive phenomena are foundational to the natural-rights polity.[2]

This exposition holds that there are two fundamentally different kinds of consent, and two fundamentally different kinds of contracts, based on a rational examination of facts about human development.[3] These are pre-cognitive consent and cognitive consent, and pre-cognitive contracts and cognitive contracts. — Whenever anyone enters an ordinary lawful contract, it's necessary for the given party to cognitively consent to such participation. But in a pre-cognitive contract, something far more fundamental goes on, which can be seen through questions like these: When one is conceived, does the newly conceived person consent to being conceived? Does this person consent to having the attributes of a living human being, to having two eyes, two ears, one head, two legs, one torso, *etc.*? Certainly no one cognitively consents to, or dissents from, having such attributes at the time of their conception. Even so, because such cumulative attributes are inherently human, the newly conceived human must tacitly consent. It's reasonable to call this kind of consent "pre-cognitive consent" because it exists prior to the development of cognitive abilities. Any contract formed through pre-cognitive consent is likewise a pre-cognitive contract.

The reason it's necessary to introduce this idea that there are these two different kinds of consent and these two different kinds of contracts, is because this idea

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1 Minarchism is generally understood to be minimal statism. Minarchists and anarcho-capitalists usually agree about the "non-aggression principle" as a concept, even though the concept has various names. The difference between minimal statism and anarcho-capitalism is that minarchists claim that the state, though minimal, is necessary, while anarcho-capitalists claim that the state is not necessary. — This exposition holds that the state is inherently criminal and is unnecessary, but it also holds that the natural-rights polity is necessary.

2 Reminder: This exposition uses the expression, "pre-cognition", to literally mean, "before cognition". It is not a reference to "extrasensory perception".

3 This rational examination appears in Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://www.BasicJurisdictionalPrinciples.net.

goes to the heart of the difference between the *negative duty* and the *positive duty*. It also goes to the heart of the distinction between the global covenants and the local covenants. It's also crucial to developing any genuine natural-rights polity. — People who refuse to cognitively volunteer for the *positive duty* surely violate natural law, but natural law enforces itself. Or more accurately, God enforces it without any need for human intermediaries. On the other hand, human law never enforces itself, because human enforcers are always necessary to it.

(i) Jural / Ecclesiastical

(1) Core Compacts:

Wherever human laws exist that clearly originate in some covenant or contract, as all the human laws derived from the biblical covenants' prescription of human laws surely do, "Christian" minarchists by definition see such laws as evidence that a human government, meaning the state under its long-existing definition, must exist to enforce those human laws. It's certainly true that wherever human laws exist, those laws govern something. But under a natural-rights polity, as necessarily distinct from the state, human laws that fail to conform to lawful jurisdictions are essentially evidence of crimes being systematically committed under *color of law*. A natural-rights polity is a system of contracts that systematically avoids such jurisdictional dysfunction. To expound this natural-rights polity, this exposition will show how this polity, this system of contracts, arises rationally out of the *positive-duty clause* as understood within its context.

Ordinary business transactions are ordinarily governed by ordinary contracts. An ordinary contract has terms, and those terms establish the jurisdiction of the given contract. Such a contract, and such a jurisdiction, essentially establish a government that governs the given transaction. The government in regard to such business contracts arises quickly and dissolves as the terms of the contract are fulfilled. In addition to this kind of ordinary contract whose government arises and dissolves quickly, there are also ubiquitous contracts that are designed to have a perpetual duration. Contracts that are intended to have a perpetual duration, like those that form corporations, those that form governments in the more ordinary sense of that word, and those that clearly exist in the biblical covenants, all tend to form human governments that have an indefinite duration. To whatever extent those perpetual-duration contracts have penalty-bearing terms, those terms are human laws, and those contracts form human governments. A primary prerequisite to such contracts being lawful is that they must be entered voluntarily, *i.e.*, through cognitive consent.

In the case of the local biblical covenants, meaning the Abrahamic, Mosaic, and Messianic, genuine parties become party through pre-cognitive consent, but they manifest such participation through cognitive consent. So in the realm of human law, these parties become party voluntarily, *i.e.*, through informed, cognitive consent. This might not be clear to the casual Bible reader. That lack of clarity is probably due almost entirely to the Bible reader's failure to fully understand and apply **progressive revelation**, both as it pertains to the Bible's prescription of human law, and as it pertains to the Bible's description of natural law, as described above. One big objection to the claim that these local covenants are entered voluntarily can be seen in regard to the Mosaic covenant. Advocates of the Mosaic covenant might counterclaim that in the Mosaic covenant, people are generally born into the covenant, and therefore do not enter it voluntarily, but by birth. There are certainly provisions for conversion of people who are not born to parents who are party. But the main emphasis, both in the text and in the history, is that people are born into the Mosaic covenant. Or so goes the standard traditional claim, without regard to **progressive revelation**. But the facts don't really support that legal theory, especially when the Mosaic covenant is interpreted through the context established by the Messianic covenant combined with general revelation. The facts support the claim that humans are conceived in guardian-dependent *bailment* contracts, where the dependent's natural rights and abilities are *bailed* into the possession of one or more parents / guardians. Under this alternative legal theory, the parents / *bailees* who are guardians over their dependent children, and who are party to the Mosaic covenant, have a duty to train their children in such covenant. But that doesn't mean that these children are genuinely party to the Mosaic covenant. They are not, and they cannot be until they reach such maturity that they are capable of cognitively consenting to being party.[1]

Based on the fact that guardian-dependent *bailment* contracts fit law and facts better than customary and traditional explanations of how people become party to the local biblical covenants, this exposition holds that at least within the realm of human law, the local biblical covenants can only be entered voluntarily, *i.e.*, by cognitive consent. Given **progressive revelation** available in the Messianic covenant, human government that arises out of the local biblical covenants is completely voluntary. This means that the penalties are only executed against parties who have violated the oath they took at entry into the covenant. At least this is true for terms that do not replicate terms of the global covenants. As indicated above in regard to

1 This skeletal description of the guardian-dependent *bailment* contract is fleshed out further in Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://www.BasicJurisdictionalPrinciples.net.

the *negative-duty clause*, human laws that proscribe human-on-human damage have a global *in personam* jurisdiction. So any such terms that are replicated in the local covenants are also global, even though they are enforced locally, meaning through a local contract. In contrast to terms that clearly pertain to the prosecution of *delicts*, terms in local covenants that clearly do not pertain to actions *ex delicto* do not originate in the global covenant. But terms that DO pertain to actions *ex delicto* certainly originate in the global covenant. *Ex-delicto* terms are inherited by the local covenants from the global covenant through **progressive revelation**.

As **A Memorandum of Law and Fact Regarding Natural Personhood** makes clear, the proscription of bloodshed in Genesis 9:6 is built into human nature. Because humans are social creatures, the proscription of bloodshed is necessarily built into the genome. Because Genesis 9:6 contains the only prescription of global human law in the global covenants, and therefore in the entire Bible, the *negative duty* in that verse is describing something that is built into human nature. This duty is the root of global human law because this *negative duty* is built into the makeup of every human being at an extremely rudimentary level. The other duty, the *positive duty*, is also built into every human at the same rudimentary level. But the *positive duty* is not backed by a penalty prescribed for execution by human against human. So in this sense, the *positive duty* exists in the realm of natural law outside the realm of human law. In both the case of the *negative duty* and the case of the *positive duty*, even though these duties are built into human nature from conception, it's certainly possible for people to refuse to admit that they are under obligation to recognize either the *negative duty* or the *positive duty*. People who refuse to acknowledge their obligation under the *negative duty* are generally recognized by modern society as psychopaths and/or sociopaths. Their cognitive denial that they are subject to the *negative duty* generally leads them to violate that duty, where the violation manifests as pathological activities of one kind or another. Their psychopathic actions are generally illegal in practically every country on earth. In contrast to these people who are a planetary scourge, people who refuse to acknowledge their obligation under the *positive duty* have a much more ambiguous status. They are more like freeloaders than mass murderers.

By observing the following hypothetical situation, it's possible to get a better feeling for the massive implications of widespread refusal to abide by the *positive duty*: If person B murders person C, and person A has personal knowledge about the murder but doesn't care, then unless there is someone else who knows and cares, person B will get away with the murder. If such apathy is widespread in a society, then such circumstances are essentially a prescription for return to the antediluvian anarchy. Unlike "anarcho-capitalism", that state of affairs is genuine anarchy, and it

is a state of affairs that humans should avoid like the plague. — There are certainly huge practical problems in making the biblical prescription of human law viable. This most crucial problem can be called the "willingness-to-enforce" problem. Another problem can be seen through another example: Suppose person A is diligently committed to observing the *positive duty*. Now suppose person B murders somebody in Siberia, and person A doesn't know about it because person A lives on the other side of the planet. Under such circumstances, it's hardly practical to assume that person A has jurisdiction over the murder. It's reasonable to call this a "proximity" problem. — In addition to this proximity problem, and this willingness-to-enforce problem, there are other huge practical issues involved in determining how to satisfy this *positive duty*. In spite of the difficulties, merely allowing government to do whatever it wants because of the misconception that God has ordained statism, or based upon some other lame excuse for inaction, is a clear violation of this *positive duty*.

As already mentioned, there is no explicit, globally mandated, divine ordination of human government anywhere in the Bible. Nevertheless, this *positive duty* is certainly global: "by man shall his blood be shed", meaning that all mankind shares this obligation. According to the global covenant, this duty is a basic part of human nature, as surely as the *negative duty* is. Nevertheless, the *positive duty* is hardly an explicit prescription of human law. That's because this mandate is not explicitly accompanied by a penalty executable by human against human. In order for the *positive duty* to be viable, problems like the willingness-to-enforce problem and the proximity problem must necessarily be resolved. Obviously, the more urgent of the two problems is the willingness-to-enforce. Because Genesis 9:6 clearly mandates the existence of human law by explicitly indicating a penalty for violation of the *negative duty*, it's reasonable to assume that it must also implicitly mandate whatever features of human government are necessary for the enforcement, adjudication, and execution of the explicitly mandated human law. But the *positive-duty* mandate in this verse does not explicitly indicate a penalty for violation of the *positive duty*. The *positive duty* is therefore implicitly a global mandate for the existence of human government. But the jurisdictional scope of such implied government is limited by the subject matter of the mandated law. While the *negative duty* is a mandate to avoid violating natural rights, the *positive duty* is a mandate to enforce against violation of natural rights. So the *positive duty* is implicitly a mandate to establish whatever human government is necessary to enforce the *negative duty*. But where are the teeth to make it happen? Where are the penalties and enforcement mechanisms that turn this *positive duty* into human law? The teeth may be implied in the text, but the teeth are not explicit in the text. The fact that both duties are built into human nature means that every human gives pre-cognitive consent to abide by those duties.

All people have thereby entered into a global pre-cognitive contract to abide by those two contractual obligations. But there is often a mental disjuncture between this pre-cognitive consent and the need for cognitive agreement, and also between this pre-cognitive contract and any cognitive contract that might put the *positive duty* into effect as human law.

Given that this *positive duty* is built into human nature by way of the global covenant, every human being is born with this question built into his/her conscience: "How can I enforce natural rights, both mine and my neighbor's, against people who damage other people?" Obviously no one is responsible to enforce against a *delict* that they don't know about, especially if the *delict* happened on the other side of the planet. On the other hand, if one's town has been taken over by a crime syndicate that systematically perpetrates *delicts* against anybody and everybody, ignorance and distance cease to be excuses to avoid enforcement. Instead, lack of capacity becomes the default excuse. What can one person do against an army of human parasites? What is one little vigilante against an armed syndicate? So in addition to the willingness-to-enforce problem and the proximity problem, another obstacle is the "capacity-to-enforce" problem. — Under this infested-town scenario, the obvious solution for everyone in the town who is not part of the crime syndicate is to band together to fight the corruption. In other words, they need to form what has historically been called a "vigilance committee". A vigilance committee follows the maxim, *Vigilantibus et non dormientibus jura subveniunt* ("The laws aid those who are vigilant, not those who sleep upon their rights.").[1] It's obvious that the vigilance committee is a better form of human government for satisfying the *positive-duty clause* than enforcement by the lone vigilante, at least as a rule of thumb. Because a lawful vigilance committee arises out of the moral indignation of those who form the committee, it is the most basic and rudimentary form of human government that can be formed to serve the *positive duty*.

In order for a vigilance committee to operate, there have to be agreements about how it should operate. In other words, like all human organizations, a vigilance committee is based on contracts. But of course, in America, vigilance committees have a bad reputation, evidenced by an ordinary definition:

> vigilance committee — a volunteer committee of citizens organized to suppress and punish crime summarily (as when the processes of law appear inadequate).[2]

The bad reputation is evident through this phrase, "punish crime summarily". "[S]ummarily" indicates that there is a lack of due process, and a lack of due diligence to

1 **Black's 5th**, p. 1407.

2 **Webster's 7th**, p. 991.

make sure that only the guilty are punished, and to make sure that the punishment fits the Genesis 9:6 damage.

Genesis 9:6 makes it obvious that the core enforcer with respect to the *positive-duty clause* is the individual. Reason demands that in order to enforce with due diligence, individuals need to work together cooperatively, perhaps not always, but as a general rule. In other words, the core enforcer is the individual vigilante, but for the individual to execute justice properly and consistently, he needs to work with other people. So the next step in improving upon the individual vigilante is the vigilance committee. But because the vigilance committee is prone to less-than-methodical prosecution, and then to dissolve like an ordinary business transaction, a better system of contracts is needed than those that form the vigilance committee.

To improve upon the vigilance committee, what's needed is a law society, a group of people dedicated to satisfying the *positive-duty clause* with all due diligence and care. In American jurisprudence, such a law society has sometimes been called a "jural society":

> *jural society* — The term "jural society" is used as the synonym of "state" or "organized political community."[1]

"Jural" means *of or relating to law, or to rights and obligations.* So *jural society* is literally a law society. But "state" is a bad word to use for such a community because of its close ties to the mythology of statism. Another definition of statism entails that it is the myth that the state has been ordained by God and that it has a right to exist simply because it's the state, generally following Romans 13:1-7. As far as generally applicable secular law is concerned, such "organized political communities" are privileged to exist only so long as they are genuinely committed to enforcing against Genesis 9:6 damage, and as long as they avoid turning into perpetrators of such damage. They are not privileged to exist for their own sake, for the sake of keeping a jurisdictionally dysfunctional myth alive, or for any other purpose. Because the word "state" has been corrupted by this mythology, this exposition will use the expression, *jural society*, to refer to the kind of organized society that is a qualitative improvement over a vigilance committee. Even so, it's imperative to remember that for enforcement against Genesis 9:6 damage to be lawful, forcing enforcers is unlawful. So all enforcement must happen through the cognitive consent of the enforcers. Enforcement must be voluntary, and whatever contracts and organizations are formed for the sake of enforcement must also be voluntary.

Given the context and language used in Genesis 9:6, it's clear that the primary focus of the *negative-duty clause* is on *delicts* rather than on contracts, and it's clear

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1 **Black's 5th**, p. 764.

that *delicts* are also the primary focus of the *positive-duty clause*. To satisfy the *positive-duty clause*, it's important to distinguish between *delicts* about which there is public knowledge and *delicts* about which there is little or no public knowledge.[1] Historically the distinction between these two has been synonymous with the distinction between *public delicts* and *private delicts*.[2] In current American law, *public delicts* are brought as criminal actions, because the state brings them, whereas *private delicts* are brought as civil actions, because private citizens bring them. It's reasonable that a lawful *jural society* would have subject-matter jurisdiction over both *public* and *private delicts*, although it's largely irrelevant whether the given action is brought by a *jural society* member or by someone else. That's why modern America's obsession with the distinction between criminal and civil actions is largely a distraction to the process of getting justice. — Because jurisdictional dysfunction is such a deeply embedded problem, and because contracts define their own jurisdictions, it's not so reasonable that a *jural society* would also have subject-matter jurisdiction over Genesis 9:6 damage that arises out of contracts. In modern America, contract disputes may also always be brought as civil actions, but because contracts define their own jurisdictions, it's prudent that a different kind of committee / community / society would form for the adjudication of contract disputes. To avoid jurisdictional dysfunction, legal actions *ex delicto* and *ex contractu* should not both be adjudicated by the same enforcement outfit.[3]

Human societies are composed of complex contractual networks. The more complex the society, the more complex its constituent contractual relationships. The more complex the contractual relationships, the more need for adjudication of breached contracts. If breached contracts are not adjudicated by the *jural society*, because the *jural society* focuses exclusively on *delicts* for the sake of avoiding jurisdictional dysfunction, then some other societal mechanism is necessary if Genesis 9:6 damage *ex contractu* is going to be properly addressed under the *positive-duty clause*. The situation demands another question: How do people committed to being compliant with the *positive-duty clause* form this societal mechanism that's needed for addressing damage *ex contractu*? The answer is, by way of a mechanism similar to the mechanism that formed the *jural society*. While the vigilance committee is formed through largely informal, short-term contracts, the *jural*

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1 This is for reasons that should be obvious as this exposition proceeds, if it's not obvious on its face.

2 See Porter, **Theodicy**, Part II, Chapter B, Sub-Chapter 2, "*Ex Delicto / Ex Contractu*". — URL: http://www.BasicJurisdictionalPrinciples.net.

3 Unless that outfit is extremely well educated in the difference between *delictual* and contractual cases.

society is formed through more formal contracts that have a perpetual or indefinite duration. Both are formed voluntarily, motivated by moral indignation. While the subject-matter jurisdiction of the vigilance committee is largely impromptu, the *jural society*'s subject-matter jurisdiction is strictly over actions *ex delicto*. This strict subject matter is necessary to ensure that the *jural society* executes justice with all due care and diligence. It's reasonable to call the contract that forms the *jural society* a *jural compact*.[1] A *jural compact* has a very specific and limited purpose, which is to execute justice against *delicts* perpetrated by anyone within a specific geographical jurisdiction.

To execute justice against *ex-contractu* damage, a similar society / committee / community is needed, and should be formed voluntarily, with the same motives, and with the same duration, as the *jural society*. But it must obviously have a different subject matter. This exposition will call this an *ecclesiastical society*.[2] It's reasonable to call the contract that forms the *ecclesiastical society* an *ecclesiastical compact*.

The reason the *jural* and *ecclesiastical* compacts have strict subject-matter jurisdictions should be obvious by now. It's to avoid jurisdictional dysfunction. The reason these two kinds of compacts have a perpetual or indefinite duration should also be obvious. Legal knowledge, jurisprudence, develops very slowly over time.[3] This is true even in the face of voluminous screeds of court opinions produced almost daily. The screeds now simultaneously disguise and document encroaching statism, and contribute little to real legal development. Even so, the courts are repositories of legal knowledge, and it's crucial for such knowledge to be active and alive in a

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1 As is clear in any law dictionary, a compact is essentially the same thing as a contract, except that the word "compact" is generally preferred when speaking of contracts between governments. This exposition therefore tries to use the word "compact" to reference contracts that are intended to have a perpetual duration. Such compacts are the contracts that are the basis of a lawful society.

2 The Greek word translated to "*ekklesia*" or "*ecclesia*" literally means *called out ones*. So "*ecclesia*" is a transliteration of the word that appears 118 times in the Greek New Testament (**Nestle-Aland**, 26th ed.) and is usually translated "church" (Strong's #1577). Before the New Testament was written, this word "was used among the Greeks of a body of citizens 'gathered' to discuss the affairs of state" — Vine, W.E., Unger, Merrill F., White, William Jr.; **Vine's Expository Dictionary of Biblical Words**, 1985, Thomas Nelson Publishers, Nashville, Tennessee; "New Testament Section", p. 42. — This exposition uses this expression here for want of a better.

3 In the common-law tradition, this happens largely through *stare decisis*. See the final paragraphs of Porter, **Theodicy**, Part II, Chapter F, "Subject Matter of the Positive-Duty Clause (Nature of the Penalties against 'whoever')". — URL: http://BasicJurisdictionalPrinciples.net.

society in order for that society to have due process that honors natural rights. So the reason for the perpetual duration is essentially to keep legal knowledge about the protection of natural rights alive and fresh in a community's collective awareness. So the reason for the perpetual duration is largely the same as the reason for the strict subject matters: to avoid jurisdictional dysfunction.

Based on agreement between general and special revelation, this exposition is hereby claiming that the biblical narrative holds that these are the two essential compacts that are necessary for the existence of any Genesis 9:6-observant society, the *jural compact* and the *ecclesiastical compact*. These do not necessarily create separate societies, but they absolutely must be distinct contracts, because they have radically different jurisdictions. Confusing these two jurisdictions is prescription for jurisdictional dysfunction.[1] To be on the safe side, it's best to have both separate societies and separate contracts. Any cause of action recognized by American common law that is genuinely *ex delicto* is under the subject-matter jurisdiction of a *jural society*, but not of an *ecclesiastical society*. Any cause of action recognized by American common law that is genuinely *ex contractu* is under the subject-matter jurisdiction of an *ecclesiastical society*, but not of a *jural society*. Causes of action in American law that are neither *ex contractu* nor *ex delicto* are instances and examples of government gone rogue. Recognizing that the *jural compact* and the *ecclesiastical compact* fit hand-in-glove with the *ex delicto* / *ex contractu* limitations on Genesis 9:6 damage is the first step in understanding how human governments are to be constructed in accordance with the biblical narrative. But these two legal entities, by themselves, are insufficient to describe the natural-rights polity.

(2) Core Distinctions:

It may seem perfectly reasonable that these two compacts should be kept distinct because of their jurisdictional differences. Nevertheless it's important to look in more detail at how the jurisdictions of these two compacts differ. Otherwise it's too easy to gloss over the distinctions, to allow the two jurisdictions to be randomly conflated, and to follow glib approaches to human government into jurisdictional dysfunction. The core distinction revolves around the nature of consent.

It should be clear by now that even though the *negative-duty clause* pertains to both damage *ex delicto* and damage *ex contractu*, these two kinds of damage are subject to radically different jurisdictions. — Because contracts define subject-matter, *in personam*, and territorial jurisdictions, the given contract defines the original jurisdiction over any breach of the given contract. If the breach causes damage, the breach certainly falls within the overall jurisdiction of Genesis 9:6. But because

1 This is for reasons that will be increasingly obvious as this exposition proceeds.

the contract either explicitly or implicitly defines its jurisdiction, it's crucial for the *ecclesiastical* court, as an agent of the *ecclesiastical society*, to allow the contract to define the jurisdiction of the controversy. So the enforcement of a contract dispute is mediated by the jurisdiction that the contract defines. — In contrast to actions *ex contractu*, legal actions *ex delicto* are not necessarily mediated by any contract other than the Noachian covenant. The impetus behind enforcement against *delicts* is embedded in every human conscience, and is not mediated by the jurisdiction of any extra-biblical contract. That's why the lone vigilante has as much *prima facie* legitimacy as any kind of human government, including a *jural society*. The *jural compact* exists to facilitate the prosecution of actions *ex delicto*, not to construct jurisdictional barriers to such prosecution. So even though Genesis 9:6 is not human law, but is rather prescription of human law, it is still nevertheless the *raison d'etre* behind all human laws against *delicts*. So the *jural society* should do its best to reflect the jurisdiction prescribed by Genesis 9:6 in its human-law jurisdiction. So in obedience to the *positive-duty clause*, the *jural society* does not look to any mediating contract to ascertain jurisdiction in the case. It looks first to the alleged facts, then to Genesis 9:6 for guidance about jurisdiction. The jurisdiction defined by the *jural compact* is considered lastly, leastly, and only for the sake of making sure that justice is executed against the alleged perpetrator of the alleged *delict*. This consideration must necessarily include consideration of how the *jural society* is to solve the capacity-to-enforce problem, which necessarily encompasses consideration of the proximity problem, and which also inevitably influences the willing-to-enforce problem.

The fact that original jurisdiction in the case of *delicts* is defined by the global biblical covenant, rather than by an ordinary mediating contract, has huge ramifications. Consent to the Noachian covenant is global and tacit at a level that transcends consciousness, cognition, and choice. It is pre-cognitive consent. It is tacit the same way every non-monstrous human tacitly consents to having two eyes instead of four, four limbs instead of eight, and one head instead of two. It is consent that is built into the genes, and outside the realm of cognition and conscious choice. In contrast to this, consent to participation in any ordinary contract is necessarily either express or implied-in-fact. Even when consent to an ordinary contract is implied-in-fact, such consent is not as tacit as the consent given to the global covenant. That's because God builds tacit consent to the global covenant into every human being at a level of existence that is so basic that it transcends cognitive choice. This kind of tacit consent exists at conception, when the human being is created, so it exists even before the nervous system and the ability to choose exist. In contrast to this, in the kind of tacit consent that exists in a contract implied-in-fact, the ability to choose exists, and the facts indicate that the person cognitively consented and cognitively chose to participate in the contract. So in ordinary contracts, no

one gets forced into the contract because being forced into a contract automatically invalidates the contract. But because every human being consents to the *positive-duty clause* with a kind of consent that is so tacit that it transcends choice, and exists at a pre-cognitive or non-cognitive level of existence, the *positive duty* is as much a fundamental human obligation as the *negative duty*. On the other hand, because the *positive duty* is not accompanied by a penalty, it is not inherently enforceable as human law, whereas the *negative duty* is. Both the *negative duty* and the *positive duty* are enforced through pre-cognitive contracts that are entered through pre-cognitive consent. Both pre-cognitive contracts thereby exist in the realm of natural law. Because the *negative duty* is a penalty-bearing mandate, its pre-cognitive contract also exists as an explicit prescription of human law. Because the *positive duty* is a non-penalty-bearing mandate, its pre-cognitive contract does not necessarily exist in the realm of human law, although it implicitly calls for implementation as human law. Because of these factors, the *jural compact* is an immediate function of the *positive duty*, not of the *negative duty*. The *jural society* must assume, as a function of its subject-matter jurisdiction, that all people everywhere have given pre-cognitive, tacit consent to abide by the *negative duty*. In contrast to this, because of the mediating jurisdictions of ordinary contracts, the *ecclesiastical compact* does not have subject-matter jurisdiction over this kind of tacit consent that transcends cognition. Even though the *jural compact* has subject-matter jurisdiction over this kind of pre-cognitive consent while the *ecclesiastical compact* does not, both of these compacts are ordinary contracts to the extent that they can only be formed through the cognitive consent of the parties. Both are also inherently designed to have a perpetual duration.

While the modern mega-state claims almost unlimited powers, according to the biblical narrative, God has never explicitly ordained human government for the entire human race. God has certainly ordained whatever human law genuinely and lawfully comes out of Genesis 9:6, and has thereby implicitly ordained whatever human government is consistent therewith. But no facts anywhere support a claim that God ordained human government willy-nilly. According to the biblical narrative, both the *negative duty* and the *positive duty* exist globally, written on the heart of every human being, including those who cognitively refuse to acknowledge the writing. In contrast to the mega-state's claim to almost unlimited powers, human government that is based upon these global duties is limited to powers that arise rationally out of these global duties. For the natural-rights polity to exist, there must be a rational nexus between these duties imposed by God upon all humans, and whatever human government may exist to satisfy these duties. Furthermore, the rational nexus between human law and these global duties must be explicit enough so that the jurisdictional limits on human government are clearly designated and

recognizable. Otherwise, the road is open for the mega-state to claim whatever powers it wants, without even a whimper of opposition from people who claim to believe in reliable Bible interpretation.

So far this exposition has examined and expounded the jurisdictional limits and boundaries of the *negative-duty clause* in a way that should be clear enough. This exposition has concluded that the *negative-duty clause*'s subject-matter jurisdiction is over damage to any human caused by one or more other humans; the *in personam* jurisdiction is over any human who causes such damage; and the territorial jurisdiction exists wherever humans exist. This exposition has also examined and expounded the subject-matter jurisdiction of the *positive-duty clause*, showing clearly enough that its subject matter defines whatever penalty should be exacted against those who violate the *negative-duty clause*. This exposition showed that such penalties are defined by the life-for-life proportionality, with the understanding that the proportionality must be understood broadly enough to encompass injunctions, restitution, and most if not all of the penalties that arise out of American common-law actions *ex delicto* and *ex contractu*. Now this exposition is examining the *in personam* jurisdiction of the *positive-duty clause*. This is essentially an examination of who prosecutes. This inquiry into who prosecutes is necessarily accompanied by a corollary examination of how to prosecute. Even though the issue of how to prosecute may be understood to be more appropriately a subject-matter jurisdiction issue, the *in personam* issue needs to be addressed before the how-to-prosecute issue can be addressed holistically. Discovering the life-for-life proportionality is a preliminary solution to the subject-matter problem. But the how-to-prosecute problem must encompass much more than merely the penalty issue. So this examination of the *in-personam* jurisdiction will address both this *in personam* problem and the broader issue of how to prosecute. So far, this inquiry has established that such prosecution should be done by way of two societies, one aimed specifically at prosecuting actions *ex delicto* and the other aimed specifically at prosecuting actions *ex contractu*. But huge questions remain: How are these societies supposed to be established? By whom? How are they supposed to operate in perpetuity? How are they financed?

To answer these questions, it's critical to recognize that these societies are formed via cognitive contracts, meaning by way of cognitive consent. For them to be formed in any other way is for them to be formed non-consensually, which means by way of *delicts*. These contracts are compacts; so every human government aimed squarely at satisfying the Genesis 9:6 mandate is inherently contractual and compactual. And all such compacts are always bound by their compactual jurisdictions. So in order to properly explore the *in personam* jurisdiction of the *positive-duty clause*, along with the corollary issue of how to prosecute actions *ex delicto* and *ex contractu*, it's

necessary to further explore the respective jurisdictions of the *jural compact* and the *ecclesiastical compact*. Because cognitive consent is crucial to the formation of any kind of cognitive contract, cognitive consent is necessarily crucial to the formation of both the *jural* and the *ecclesiastical* compacts.

The crucial issues involved in determining how to form and sustain the *jural* and *ecclesiastical* compacts pertain to taxing, taking, forced participation, and the nature of consent. As already indicated, the nature of consent is the core issue out of these four, because consent is by definition agreement, and agreement is by definition the core ingredient in the formation of any contract / compact. — If one relies entirely upon Romans 13:1-7 and other similar New-Testament passages, and if one neglects to follow the reasoning based on the laws, covenants, and jurisdictions of prior biblical covenants, then one is likely to conclude that human government has been ordained by God to tax, take, and force participation almost without limits. Romans 13 is certainly as true and right as any passage in the Bible's historical narrative. But Romans 13 cannot be properly interpreted outside this larger context. In fact, taxing, taking, and forced participation are far more circumscribed than a face-value reading of Romans 13 would suggest.[1]

Everybody knows taxation is the taking of money, or its equivalent. The state takes money from the so-called "taxpayer" by putting the latter under duress. In other words, modern taxation consists of secular government taking money by coercion, threats (sometimes veiled, sometimes not), and if necessary the explicit use of force. The government may claim that taxation is voluntary, and most people may comply without public rancor. But if anyone doubts that modern taxation is a coercive taking, then let them test their doubt by refusing to pay, and see what happens. All modern taxation is a form of coercive taking. There are countless kinds of takings besides the taking of money, including *eminent domain*, truancy laws, forced licensure, housing codes, *etc.*, *etc.*, *etc.*, *ad nauseam*. The big problem with all takings, including taxation and forced participation, is this: How does one tell the difference between such takings and the perpetration of a *delict*? The fact that the possible *delict* is perpetrated by the state does not excuse the state, because no human or group of humans is above the law, and all humans are subject to the *negative-duty clause*, including humans who band together to form the state, and humans who become agents of the state. There is no room for *sovereign immunity* under Genesis 9:6.

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1 For more about Romans 13, see Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 10, *Section g*, "*Portal — Ephraim's Confusion about Polity*". — URL: http://BasicJurisdictionalPrinciples.net.

Given that all humans are subject to both the *negative-duty clause* and the *positive-duty clause*, and given that all humans are thereby mandated to enter into compacts with one another to execute justice against Genesis 9:6 damage with all due diligence and care, it's clear that anyone who is committed to being obedient to the global covenant would acknowledge their *positive duty* by paying taxes, allowing takings, and voluntarily participating in such compacts in a way that confirms that they cognitively consent to such taxing, taking, and participation. Of course, this voluntary participation assumes that these compacts would operate within the jurisdictional guidelines established by the global covenant, and would not go *ultra vires*, exceeding jurisdictional boundaries, and thereby converting taxes and takings into theft, and participation in the compact into collaboration with a crime syndicate. Both how taxes are taken, and how they're spent, can easily abuse the jurisdiction established by the global covenant.

Essentially, the demand that these compacts remain within jurisdictional guidelines entails that there be a strict linkage between taxing / taking on one hand and spending / use on the other. For human government to remain lawful, money cannot be taxed, and property cannot be taken, for any purpose outside the *positive-duty clause*, and it cannot be taxed or taken by any means other than voluntary means. All expenditures must be rationally linked to the *positive duty*, and they must be thereby acquitted of any possible claim of jurisdictional malfeasance. Otherwise, the act of spending is an act of defrauding the tax payer and corrupting the compact.

Given that the *positive duty* pertains strictly to the execution of justice against Genesis 9:6 damage, everything said in this section up to this point is common sense based on expounding the *positive-duty clause*. But one problem in expounding the *positive-duty clause* is in determining whether all these things apply as much to the *ecclesiastical compact* as they do to the *jural compact*, and perhaps that has not yet been done adequately. Perhaps it's necessary to recapitulate some, and to cover this ground more thoroughly. — On their faces, both the *negative-duty clause* and the *positive-duty clause* have global *in personam* jurisdictions. All humans are obligated by the *negative duty* to avoid perpetrating Genesis 9:6 damage against other people. Likewise, all humans are obligated by the *positive-duty clause* to execute justice against people who violate the *negative-duty clause*. On its face, this appears to indicate that what's true about taxing, taking, participation, and consent with respect to the *jural compact* must also be true about taxing, taking, participation, and consent with respect to the *ecclesiastical compact*. But this assumption deserves further scrutiny.

The *jural compact* exists to execute justice against any *delict* perpetrated by anyone, and for practical reasons, it's reasonable that such justice be limited to

the *jural compact*'s specific geographical jurisdiction. More specifically, because humans are inherently finite, the justice that the *jural compact* renders is limited by the willingness-to-enforce problem, the proximity problem, the capacity-to-enforce problem, and probably also some other limiting factors. Even so, the *jural compact* does not look to mediating human contracts for its jurisdiction. In the abstract, there is a one-to-one correspondence between the violation of *negative duty* and satisfaction of *positive duty* under the jurisdiction of the *jural compact*. But when the jurisdiction is limited by such practical considerations, this one-to-one correspondence between infraction and enforcement breaks down. But the reason for the one-to-one correspondence ceasing to hold in regard to the *jural compact* is not primarily jurisdictional. Instead, this cessation is primarily due to such practical concerns, to the limitations of human enforcers. In contrast to this, in regard to the *ecclesiastical compact*, the one-to-one correspondence between infraction and enforcement doesn't break down primarily for practical reasons, but for jurisdictional reasons. The one-to-one correspondence between infraction and enforcement breaks down for the *ecclesiastical compact* because contracts define how they are to be enforced. Either implicitly or explicitly, every genuine contract defines how it is to be enforced. So when an *ecclesiastical society* adjudicates a contract dispute, it must necessarily examine the jurisdiction of the contract to know how to enforce it. As the subject matter of legal action, contracts thereby eliminate the presumption of a one-to-one correspondence between *negative duty* and *positive duty* by establishing their own enforcement guidelines. Because of this, any given person's duty to participate in the enforcement of any given contract becomes dubious. All people have an abstract duty to execute justice against Genesis 9:6 damage that happens *ex contractu*, but unlike the duty to execute justice in the case of *delicts*, all people are precluded from actively participating in the execution of justice *ex contractu* unless the contract specifically calls such people to do so. This means that in the execution of justice *ex contractu*, people have a duty to participate in an *ecclesiastical compact* in a general sense, but they don't have a duty to participate in a specific sense. The *ecclesiastical society* is limited by the same human limitations as the *jural society*, but its primary limitation is the jurisdiction of the breached contract. Further, in both general and specific senses, the duty can only be *lawfully* satisfied by way of the obligor's cognitive consent. The one-to-one correspondence between infraction and enforcement means that it should be relatively easy for the *jural society* to correlate taxing and spending. But because this one-to-one correspondence doesn't necessarily exist in regard to actions *ex contractu*, it's much more difficult for the *ecclesiastical society* to correlate taxing and spending. This means that the *ecclesiastical society* should be paid mostly by litigants. Because some litigants may be paupers, it's

probably a good idea for some third party to collect voluntary donations specifically for the purpose of helping indigent litigants.

In order to further explore the difference between the *jural* and *ecclesiastical* compacts, it may help to explore it in terms of licensure: While God and only God is the judge, jury, prosecutor, executioner, in short, the enforcer or administrator of the natural law, God has graciously ordained that humans should act as secondary causes in the enforcement of natural law in regards to a very specific and limited subject matter that exclusively includes damage by humans to other humans. Regarding this limited subject matter, God gives a license to do something that is normally prohibited. A license is permission from a sovereign to do something that the sovereign otherwise prohibits. The prohibition is that humans are not God, and they should therefore not feign Godhood in their relations with other humans. The license is a license to act like God in regard to violations of natural law in which the given violation clearly damages other people. So biblically prescribed human law is a subset of natural law that exists by way of a special license. This license marks an exception to the rule that God alone enforces the natural law. So this license marks a disjuncture between natural law and lawful human law. If humans fail to recognize the disjuncture between natural law and biblically prescribed human law, then they are prone to attempting to enforce their flawed conception of natural law, thereby acting as usurpers of God's exclusive role as enforcer of the natural law. It's crucial to recognize the limitations on the license, and therein lies the disjuncture.

The *ex delicto* / *ex contractu* disjuncture has comparable limits, but these limits are based upon the license to enforce that explicitly or implicitly appears in the breached contract. On its face it appears that the *positive duty* calls all people to prosecute the damager, regardless of whether the damage exists *ex delicto* or *ex contractu*. So on its face, it appears that damage *ex contractu* is merely a subset of damage *ex delicto*, similar to the way biblically prescribed human law is a subset of natural law. But there is also a disjuncture in the relationship between *ex delicto* and *ex contractu* that must be recognized. Otherwise, people are prone to act as usurpers of the exclusive jurisdiction established by the contract. It's crucial to recognize the jurisdictional boundaries of contracts for both the protection of those party to the contract and the protection of those not party to the contract. An example should help to clarify the nature of this licensure and the nature of this disjuncture.

For people who adhere to the Bible's local covenants, and for other groups that have comparable commitments, this emphasis on these biblical jurisdictions may be facially troublesome. Breeds of Christianity from western Europe often developed so that such breeds were "established" as state religions. Many Christians therefore assume that Christianity should have privileges with government that other

religions do not have. Under such breeds of Christianity, some activities should be made universally illegal, even though they are not obviously *delictual*. For example, traditional breeds of Christianity hold that sodomy, bestiality, and other kinds of fornication should be made universally illegal. But this would be a violation of the strictly defined jurisdictions because such fornication is not inherently *delictual*, and it does not inherently breach a contract. Such a law in the secular arena would therefore be systemic violation of natural rights. In spite of this, people who adhere to the Bible's local covenants, especially "Christians" who are accustomed to having laws against *delict*-free *mala in se*, should be relieved to know that laws against *delict*-free *mala in se* can still exist within their religious communities. Contracts that define such communities give license through the consent of the parties to enforce laws *ex contractu* against *delict*-free *mala in se*, where enforcement is limited to the parties. Likewise, practically any religious community can be defined by a contract that is aimed at implementing the tenets of the religion. For example, a contract aimed at implementing the Ten Commandments within a given community would have ten human laws, each of which corresponds to an aspect of the moral-law leg of the natural law. Eight of these commandments are negative, meaning that the doing of each of these eight proscribed acts is *malum in se*, at least in the opinions of those party.[1] Two of these commandments are positive, which means that refusing to do them is *malum in se*, at least in the opinions of those party.[2] Only three of these ten are *delicts*.[3] This means that the other seven are *delict*-free *mala in se*, and are examples of contractually attempting to enforce natural law via human law. These seven are instances in which non-penalty-bearing mandates implicitly call for enforcement through human law, at least in the opinions of those party.

Given this example, it's obvious why Genesis 9:6 damage *ex contractu* must be limited exclusively to contractually designated enforcers. If one is not one of these contractually designated enforcers, then one is not obligated, or even allowed, to participate in such *ex-contractu* enforcement. This limitation on enforcers is essentially a license NOT to enforce such *ex contractu* damage, where the license is given to all humans except those designated to enforce. — In the case of natural law, all humans are obligated to recognize that someone else, namely God, is judge, jury, and executioner of the natural law. All humans are thereby obligated to recognize that their participation in the enforcement of natural law on other people is generally banned, and can exist only through a license granted by the sovereign. The license

1 Exodus (i)20:3; (ii)20:4-6; (iii)20:7; (vi)20:13; (vii) 20:14; (viii)20:15; (ix)20:16; and (x)20:17.

2 Exodus (iv)20:8-11 and (v)20:12.

3 Exodus (vi)20:13; (viii)20:15; and (ix)20:16.

allows humans to act as secondary causes in the enforcement of natural law only when a violation of natural law involves Genesis 9:6 damage, meaning there must be a *delict*, or there must be a contract demanding prosecution of participants for violation of the contract. In spite of the fact that all humans are called to act as secondary cause in the enforcement of natural law when an infraction involves Genesis 9:6 damage, this act as secondary cause is the sole exception to the rule that God alone enforces the natural law. God gives the entire human race both license and mandate to enforce *ex delicto*. Although the lone vigilante is thus licensed to enforce *ex delicto*, executing justice against other humans is inherently error-prone. There are certainly clear cases of self-defense and defense of the innocent which demand that people become lone enforcers. But in general, prudence demands that people enter into contracts with one another to facilitate following due process of law. As mentioned, such a contract is a *jural compact*. Regardless of whether one is party to a *jural compact* or not, all people are licensed to execute justice against *delict* perpetrators. But this global licensure doesn't extend to actions *ex contractu* because this global licensure is limited by whatever licenses exist within the given contract. Only humans who are designated by a contract to enforce it can enforce it lawfully, because only such designees are licensed to enforce. All humans who are not party are obligated to recognize that someone else, specifically, the designee, is the enforcer of that contract, and all non-designated humans have an obligation to avoid playing God, and to avoid meddling. All humans are thereby obligated to recognize that the same way they do not have license to enforce natural law generally, they do not have license to enforce a contract unless the contract specifically gives them license to do so.

Because every human gives pre-cognitive, tacit consent to abide by both the *negative-duty clause* and the *positive-duty clause*, it might be facially plausible to conclude that every human gives pre-cognitive, tacit consent to participation in both any given *jural compact* and any given *ecclesiastical compact*. Even if this could be proven true, that truth would not translate into genuine participation. This is because both of these compacts, like all ordinary, cognitive contracts, can only be entered through cognitive consent. The assumption that pre-cognitive consent suffices to make people party to such compacts is precisely and implicitly the facet of statist mythology that statists use to justify forcing people to do all kinds of statist misdeeds. From this fact, it follows that one is not obligated to provide taxes to, takings to, or participation in, either the *jural society* or the *ecclesiastical society*. Natural law may obligate all people to provide such things, but lawful human law does not inherently obligate anyone to provide such things. Only through a given human's cognitive consent can that human become obligated under lawful human law to provide such things. So because natural law establishes such duties, it makes

sense that one would choose to voluntarily participate in both the *jural compact* and the *ecclesiastical compact*, and support each with one's voluntary goods and services, for the sake of making sure that justice is done both *ex delicto* and *ex contractu*. On the other hand, there may be good reasons for a given natural person to avoid voluntarily giving to either compact.

All laws in American common law that unambiguously prohibit *delicts* essentially flesh out the Genesis 9:6 definition of bloodshed. All such laws should be enforced globally by lawful *jural societies*, meaning against all perpetrators within the *jural society*'s geographical jurisdiction, regardless of the race, religion, ethnic origin, sexual orientation, *etc.*, of either the perpetrator or the victim. On the other hand, the primary function of an *ecclesiastical society* is not to enforce general laws, but to use customary methods of interpretation to interpret contracts, and THEN to see that the laws embedded in the contract are properly enforced.

(3) Consent Revisited:

The righteous indignation that is the motive force behind the vigilance committee is precisely the same force that motivates the formation of the two compacts that are foundational to the natural-rights polity. History proves beyond any reasonable doubt that when human governments are based in the idea that such governments have privileges beyond those that ordinary people have, privileges like confiscatory taxation and takings, such governments turn into tyrannies. Generally, the reason people give those kinds of powers to those kinds of institutions is because people are weak, lazy, and afraid, and they want someone else to take care of them. So they voluntarily make themselves slaves of such institutions. But for someone to voluntarily make oneself someone else's slave is an altogether different act from Party A and Party B teaming up to force Party C to be Party B's slave. If A is understood to be the massive numbers of benighted statists who think that forced taxation is inherently part of being alive, and if B is the state, then C would be anyone who is convinced that confiscatory taxation is theft, and who is willing to put that belief into action by refusing to pay. This latter example is not of voluntary servitude. It is of involuntary servitude. Confiscatory taxation is inherently involuntary servitude, and no amount of pretense to the contrary will change that. Two wolves and a sheep voting on what's for dinner is no viable basis for a just society. And if B is far more powerful than either A or C, then B's forcing A and C to fork over taxes and takings is even less a basis upon which to build a just society.

When someone has enough righteous anger, he/she will act as a lone vigilante. If this person can find other people who are also righteously indignant, then they will form a vigilance committee. When they still have this righteous anger, but decide

to be systematic and methodical in expressing it, they will form *jural compacts* and *ecclesiastical compacts* to express their indignation. Because there are always people in every society who are victims of someone else's misdeeds, it's crucial to have law courts and procedures to give these victims a place to vent their indignation, and a place to seek justice. Because all people need such courts from time-to-time, it's reasonable that all people would voluntarily contribute to their existence. But it's not reasonable that anyone would be forced to do so.

Both *jural* and *ecclesiastical* compacts should be set up to be perpetual. Some corporations are designed to have a perpetual existence, meaning that they are not intended to be consummated the same way that a sale is consummated, or in the way that some other short-term contract is consummated. A reasonable claim to perpetuity is a claim to an indefinite duration, not a claim to an infinite duration. No sane, sober, and serious human being would claim that a corporation to which he/she is party has an infinite duration. Even so, because a corporation in the general sense is simply a kind of contract aimed at some purpose and having a duration defined by that purpose, these two governmental compacts are types of corporations, in this general sense. To distinguish themselves from vigilance committees, the *jural compact* and *ecclesiastical compact* should be designed to have a perpetual existence. This is one of the main differences between these two compacts and a vigilance committee.

If people try to conform to the spirit of the Genesis 9:6 mandate, then people will try to cooperate with one another to satisfy the mandate. They will enter into compacts, where the compacts are intended to exist in perpetuity, and where the purpose of the compacts is to satisfy the mandate. Even though it's true that the Genesis 9:6 mandate is a term of a biblical covenant, and not a term of an ordinary contract or compact, and therefore that it is part of divine law rather than human law, the biblical covenant calls all people to be enforcers of the mandate. Because of the obvious need for a division of labor in society, it stands to reason that all people are implicitly called upon by the biblical covenant to enter into compacts with one another to satisfy the mandate in a way that acknowledges the division of labor. But this requirement is a function of natural law, not a function of human law, because there is no penalty accompanying the *positive duty*.

To assume that people are not called upon to enter into compacts to satisfy the Genesis 9:6 mandate is to create huge interpretational problems with respect to Romans 13:1-7. Romans 13 speaks of governing authorities and rulers, and the Christian covenant thereby clearly recognizes the existence of human government, even human governments like the Roman Empire, that presumes to govern a diversity of religions. Under such circumstances, the interpretational problems

arise by way of the absence of any indication of where that passage's demand for respect for human government comes from. That demand for respect for human government is manifestly apparent in a face-value reading of Romans 13. If human government is not based on such compacts, then there is no biblically reasonable way to reconcile Genesis 9 and Romans 13. If human governments are not constrained to jurisdictional limitations that arise out of a reliable understanding of Genesis 9, then under Romans 13, human governments have free rein to abuse people as much as they please, except perhaps with the pathetically meager constraints generally recognized by modern pastors. So the need for reliable interpretational policies leads inevitably to the conclusion that all people are called by natural law to enter into compacts to satisfy the mandate to enforce against *delicts* and the violation of contracts. This line of reasoning leads to the conclusion that the only kind of human government that is compatible with both Genesis 9 and Romans 13, and that reconciles the two, is human government based entirely and exclusively on the natural-rights polity.

If people attempt to enforce the bloodshed mandate on one another without any thought of doing so within an organizational structure, then some people might view this as being what the Bible disparages somewhat as, *doing what is right in one's own eyes*,[1] or *being a law unto oneself*.[2] On its face, Genesis 9:6 may call all people to be lone vigilantes. This is plainly to set the *modus operandi* of the *positive duty* into the guts of every human being. Even so, the means through which that motive force generally operates best over the long haul, both according to reason and according to the biblical narrative, is through human organization. For relief from the burden of enforcing the law by oneself, people need to exercise the natural right to contract, and thereby enter into *jural* and *ecclesiastical* compacts. For people indoctrinated from birth into a statist worldview, it's tempting to assume that the Bible looks so disparagingly at lone vigilantism that it must require people to pay taxes to the *jural society*, because, after all, the *jural society* is clearly doing something noble and worthy. But before succumbing to such a conclusion, it's crucial to realize that forced taxation essentially turns the *jural society* into a protection racket. People who run protection rackets are thieves, extortionists, fraud mongers, *etc.*, and so are statists even if they like to pretend otherwise. Any time a *jural society* collects taxes by force, it turns into a criminal. Likewise, any time a *jural society* spends its receipts on anything other the execution of justice against *delicts*, the *jural society* turns automatically into the same kind of criminal. Under such circumstances the

1 Deuteronomy 12:8; Judges 17:6; 21:25.

2 Romans 2:14.

jural society has gone rogue, and whoever is responsible deserves to be prosecuted the same way any other rogue deserves prosecution.[1]

According to this definition of consent, a *jural society* doesn't need cognitive consent about punishment from someone who has perpetrated a *delict*. This is because all people give tacit consent from the moment of conception, to the forfeiture of their natural rights proportional to the gravity of whatever *delict* they might later perpetrate. This fact is implicit in the way that the *positive-duty clause* and the *negative-duty clause* interface in Genesis 9:6. The statement, "Whoever sheds the blood of man, by man shall his blood be shed", certainly appears on its face to be metaphorical, and to not necessarily have a clearly defined positive clause and negative clause. But the Hebrew is mandatory, and the context makes it clear that this statement is talking about the unprovoked taking of human life by another human, where such taking can be by degrees, and is not limited to the ultimate degree, murder. It's clear that every human is mandated to execute justice against such perpetrator. This situation implicitly creates a *negative-duty clause* and a *positive-duty clause*. The implicit *negative-duty clause* is, "Don't take the life of another human." The *positive-duty clause* is, "Execute justice against anyone who takes the life of another human." The *positive duty* is obviously a penalty to anyone who violates the *negative duty*. But nowhere does the global covenant specify a human-law penalty for people who refuse to comply with the *positive duty*. So if someone witnesses a murder, and refuses to do anything to bring the murderer to justice, then the witness's refusal is morally reprehensible, and God will certainly execute justice against that witness by way of the natural law. But no human-law penalty is prescribed in the global covenant for such a witness. So all people give tacit consent at conception to obey the *negative duty*, to avoid taking the life of someone who is innocent under globally prescribed human law. Likewise, all people give tacit consent from the moment of their conception, to participate in the prosecution of people who take the lives of people who are innocent under globally prescribed human law, and to do so in the most efficient, effective, and just manner possible. So there is also tacit consent at conception to obey the *positive duty*, and thereby, to participation in any genuinely lawful *jural society*. So this tacit consent to obey the *positive duty* entails tacit consent to reasonable taxes and takings along with whatever other duties are necessary to the execution of justice against *delicts*. But unlike pre-cognitive consent to forfeiture of natural rights proportional to the gravity of whatever *delict* one may later perpetrate, pre-cognitive consent to prosecute *delicts* is not pre-cognitive consent to being prosecuted by humans. There's no penalty in the

1 Anyone familiar with history should know from this delineation of proper jurisdictions that practically every human government in history has been rogue.

latter case, and therefore no inherent human law. People who refuse to pay taxes and takings to a lawful *jural society* are essentially covenant-breakers, but that covenant is a pre-cognitive contract. It therefore doesn't translate immediately into a cognitive contract. It therefore doesn't translate immediately into human law, whereas the *negative duty* DOES translate immediately into human law, even if it's the law of the vigilante. Even though people who refuse to pay taxes and takings to a lawful *jural society* are covenant-breakers in the pre-cognitive sense of the word "covenant", they are not necessarily violators of human law. In fact, people who refuse to pay taxes and takings, and to provide other signs of participation, to an unlawful, pseudo-*jural society*, could be covenant-keepers of the most conscientious and vigilant kind.

While the *ecclesiastical compact* is certainly formed for the same basic reason as the *jural compact*, to execute justice against Genesis 9:6 damage, in the *ecclesiastical* jurisdiction, that impetus does not extend into the actual execution of such justice, except through the convolutions and contortions built into whatever contract is subject to adjudication. This is because the possibility for such contractual laws violating natural law is huge. They could call for the violation of natural law in ways that are perverse but not *delictual*. Or they could call for the violation of natural law in ways that are clearly *delictual*. Or they might not call for the violation of natural law at all. — No *ecclesiastical compact* should ever enforce a contract that is clearly *delictual*, for example, Party A contracting with Party B for B to murder C. Rather, whenever an *ecclesiastical* court discovers such a contract, the case should be handed immediately to a *jural* court, because *delicts* generally take priority over contract disputes, and because such a contract to perpetrate a *delict* generally invalidates the contract.[1] On the other hand, as far as globally prescribed human law is concerned, it's foolish to think that secular courts are qualified to judge the extent to which terms of an ordinary contract conform to natural law. So whether a contract conforms to natural law or not, is not an issue that any secular *ecclesiastical compact* should ever consider.[2] The result of this refusal to judge conformity to natural law is that the possibility for a secular *ecclesiastical compact* to violate natural law in the prosecution of a contract dispute is huge, and possibly unavoidable if the court's judgment is jurisdictionally sound. For example, a lawful *secular ecclesiastical* court would refuse to adjudicate a contract designed to keep the parties mutually obedient to a mutual prohibition of fornication. The court would not enter into judging whether that

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1 In modern American courts, a similar kind of shift happens whenever *public delicts* are called for by contracts, because such contracts are illegal.

2 This rule doesn't apply to non-secular *ecclesiastical compacts*. See Porter, **Theodicy**, Part II, Chapter G, *Sub-Chapter 3*, "*Secular & Religious Variants*". — URL: http://BasicJurisdictionalPrinciples.net.

prohibition conformed to natural law or not. Because of such a refusal to make such judgments, the court might allow a fornicator to go unpunished, on the grounds that the plaintiffs failed to prove that they were damaged. No one who is not party to such a *trespass*-free-*malum in se*-prohibiting contract should ever be expected to pay for any aspect of such litigation. This line of reasoning makes it even more emphatic that a secular *ecclesiastical compact* should NOT be supported with taxes, takings, and participation as though the takee had given tacit, pre-cognitive consent to such takings and participation.[1]

For frugality's sake, one might presume that one need not be bothered with paying anything to the *ecclesiastical compact*, or with participating in the *ecclesiastical society*'s existence in any way. But this is a dangerous attitude. In modern American society, people are up to their eyeballs in contractual obligations, most of which are entirely secular. One need only consider the bills one pays regularly to get a superficial feel for how pervasive these obligations are. All of these obligations are tied to terms that indicate either explicitly or implicitly where, how, and by whom contractual disputes will be adjudicated.[2] Sadly, the American judicial system is suffering from such jurisdictional dysfunction that it's a crapshoot whether one can get justice in it or not, including with regard to actions *ex contractu*. That's a symptom of the disease presently being suffered by the *de facto* system. So if one refuses to pay taxes, takings, *etc.*, where such monies are likely to fund a jurisdictionally dysfunctional *de facto ecclesiastical compact*, then such refusal may be wise in terms of keeping one's conscience clear. But that refusal may also be expensive, for obvious reasons. — On the other hand, a refusal to participate in the *ecclesiastical compact* of a *de jure* natural-rights polity, if one existed, would be a refusal to participate in judicial reform. The *de facto* judicial system is in such shambles that it is in essence begging for help. The best remedy might be to divest oneself from it for the sake of going to the *de jure*

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1 Religious *ecclesiastical compacts* may be very legitimate in judging a contract's conformity to natural law. But allowing a secular *ecclesiastical compact* to judge conformity to natural law is an invitation to jurisdictional dysfunction and tyranny. See Porter, **Theodicy**, Part II, Chapter G, *Sub-Chapter 3*, "*Secular & Religious Variants*". — It may be true that all people have given absolute pre-cognitive consent, by way of the creation covenant, to abide by the entirety of the natural law, but it's foolish to think that that entirety translates readily into human law. It's therefore necessary to follow the guidelines for human law that are established in Scripture. — URL: http://BasicJurisdictionalPrinciples.net.

2 Often statutes control such issues these days. For reasons that should be clear as this exposition proceeds, this exposition holds that the biblical narrative holds that such statutes are manifestations of jurisdictional dysfunction. There are other and more jurisdictionally sound ways to address the issue of who adjudicates, how, *etc.*

system. Such a refusal to divest from the *de facto* system and simultaneously invest in the *de jure* system would thereby be acquiescence to the status quo, and refusal to do anything to correct the dysfunction. So when one needs to adjudicate a contract dispute and one has refused to do one's part to make the court function properly, one should not expect justice or equity from it. Even though participation in the secular *ecclesiastical society* is voluntary, one should feel the weight of the Genesis 9:6 mandate enough to volunteer participation, in whatever manner is needed. Refusal to voluntarily participate in a *de jure ecclesiastical compact* is prescription for further social decay, as is refusal to participate in a *de jure jural compact*.

For practical reasons, the *jural society* must maintain a geographical jurisdiction, and consider people outside that geographical jurisdiction as having no say about how the *jural society* operates. So consent to the procedures used by a *jural society* is not an issue for non-citizens who live outside the geographical jurisdiction. But for citizens living within the geographical jurisdiction – who have not committed a *delict* – cognitive consent is crucial to the formation and maintenance of the *jural society*'s laws. Cognitive consent is what causes the *jural society* to take shape, and to take whatever form, processes, and procedures it may assume. The *jural society* exists to execute justice against *delicts*, regardless of where any given *delict* may have been perpetrated, but especially, for obvious practical reasons relating to the proximity problem, *delicts* perpetrated within the *jural society*'s geographical jurisdiction. While practical considerations relating to the proximity problem tend to limit the geographical jurisdiction, practical considerations also influence assorted conventions that are necessary. There are issues like: Will the accused be tried by a jury? If so, how many people will be on the jury? What qualifications must a juror have? Will the *jural society* have a judge, or a bank of judges? If so, will the judge be allowed to define the *prima facie* parameters of a case at its initiation? What will be the rules of court? *Etc*. These conventions exist exclusively to fulfill this *positive duty*, and should be formed to prevent violating it in the process. The *jural society* procures jurisdiction automatically over anyone who allegedly perpetrates a *delict*, regardless of the perpetrator's cognitive consent, location, *etc*. But the existence of other *jural societies* may, and probably should, cause consideration of the possibility that the *jural society* should defer to some other *jural society*, where the latter has a better claim to original jurisdiction. Another practical concern is funding. As already emphasized, the *jural society* cannot lawfully tax or take without the takee's consent. But it's reasonable that the *jural society* would attempt to keep the population within its geographical jurisdiction informed about its financial needs. Voluntary donations could be thought of as genuinely voluntary taxation.

It's important to understand the difference between a *jural society* and an *ecclesiastical society* in terms of the different ways that rights and privileges are forfeited. In the case of *delicts* and *jural societies*, every Human A gives pre-cognitive consent to forfeiting natural rights proportionally to whatever *delictual* damage A causes to Human B. If and when the *delict* actually occurs, the forfeiture is authorized by the *delict*, and the *jural society* has authority to take jurisdiction over whatever person(s) allegedly perpetrated the *delict*. The consent to the conditional forfeiture is pre-cognitive. — In the case of a contract breach and an *ecclesiastical society*, each party to the contract gives cognitive consent to forfeiting rights and privileges in accordance with the terms of the contract. If and when a party breaches, whatever *ecclesiastical society* is designated by the contract receives authority through the complaint of the offended party to execute the forfeiture against the offending party. The consent to this conditional forfeiture is entirely cognitive. So an *ecclesiastical society* can only exercise its authority *ex contractu*, against people party to the contract that's being adjudicated. Where contracts explicitly or implicitly require that contract disputes be adjudicated under the jurisdiction of a specific *ecclesiastical society*, the parties to that contract consent to that jurisdiction when they enter or modify the contract. An *ecclesiastical society* has no jurisdiction whatever over people who have not entered into such contracts. By volunteering to become parties to such contracts, people are automatically at least potentially subject to such *in personam* jurisdiction. It follows from such circumstances that an *ecclesiastical society* could finance itself exclusively through fees paid by litigants. But it's also reasonable that the *ecclesiastical society* could finance itself through voluntary donations.

One of the rarely questioned assumptions in the *united States* is that the concept that governments derive "their just Powers from the consent of the governed" pertains to majority rule. In other words, the majoritarian assumption says: "Governments are instituted among Men, deriving their just Powers from the" consent of the majority.[1] A big problem with this assumption is that it is neither confirmed in the source of the quote, the Declaration of Independence, nor confirmed in the Bible. The assumption that consent is a function of majority rule is absolutely not confirmed by any global prescription in the Bible. A majority is as capable of perpetrating Genesis 9:6 damage as an individual criminal, or an individual tyrant. To avoid the ideological swamp created by such misconceptions, it's crucial to define terms so that they are compatible with the natural-rights polity. In this context, a government is whatever governs the human laws that arise rationally out of the two kinds of

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1 Further commentary: See Porter, **Theological Inventory of American Jurisprudence**, *u.S.* Constitution, Article I Section 8 clause 1. — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_2_1_0_Art_I_Sec_8_Cl_1.htm.

compacts. "[J]ust Powers" are whatever powers exist within the lawful jurisdictions of those two kinds of compacts. "[T]he governed" are whatever humans are subject to such lawful jurisdictions. Because these two kinds of compacts can only be formed through cognitive consent, "the consent of the governed" can only mean the cognitive consent of the governed. It cannot mean some mythological mumbo jumbo, pre-cognitive consent, or some "consensus" built by nefarious statists through the so-called "delphi technique".

(4) Police Powers:

Contractual obligations form the second kind of human law, the first being the obligation to avoid perpetrating *delicts*.[1] As already indicated, these are the only two kinds of human law that are lawful.[2] Because only legal actions *ex delicto* and *ex contractu* are lawful, lawful human law exists in two and only two kinds: *ecclesiastical* and *jural*. *Ecclesiastical* human law derives from cognitive contracts, and is based on the prior cognitive consent of the parties to such contracts. Like *jural* human law, *ecclesiastical* human law demands a penalty, and it demands someone willing and able to enforce the penalty.

In traditional Anglo-American jurisprudence, the power and authority to enforce human laws has been called the *police power*. In this exposition's analysis of the Bible's historical narrative, *police power* is directly linked to the concept of property; property is directly linked to natural rights; and natural rights are directly linked to the *imago Dei*.

> *police power* — The power of the State to place restraints on the personal freedom and property rights of persons for the protection of the public safety, health, and morals or the promotion of the public convenience and general prosperity. … Police power is the exercise of the sovereign right of a government to promote order, safety, health, morals and general welfare within constitutional limits and is an essential attribute of government.[3]

As already indicated, this exposition holds that the biblical narrative holds that there are two different types of property, **primary** and **secondary**, where contractual benefits are a type of **secondary property**.[4] So the two kinds of law-enforcement

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1 Second in the prioritization of human laws based on the need to enforce, not based on chronological appearance in the biblical narrative.

2 See Porter, **Theodicy**, Part II, Chapter B, especially Sub-Chapter 4, "*Conclusion*". — URL: http://BasicJurisdictionalPrinciples.net.

3 **Black's 5th**, p. 1041.

4 Porter, **A Memorandum of Law and Fact Regarding Natural Personhood** recognizes a third type of property, namely "private jurisdiction". In this exposition, these

compacts, the *jural compact* and the *ecclesiastical compact*, arise as responses to violations of property, where property derives from the existence and exercise of natural rights, and where natural rights derive from the *imago Dei*. If *police powers* are defined within the same context, and are limited to actions *ex delicto* and *ex contractu*, then *police powers* are perfectly compatible with the biblical narrative. But as is evident in the above definition, *police powers* are not usually understood to have these limitations. On the contrary, they are generally understood to exist for much more nebulous purposes, like "for the protection of the public safety, health, and morals", and for "the promotion of the public convenience". Such ideas are an integral part of the mythology of statism. Statism defines *police power* as "the exercise of the sovereign right of a government to promote order, safety, health, morals and general welfare". In the early years of the *united States*, such grandiose powers were understood to exist within "constitutional limits". Now, with constitutional government dead, moribund, or in exile, *police powers* have a *de facto* definition as "an essential attribute of government" that has no limits. So the only limits on the existing government, and on its *police powers*, are those that exist on practical grounds, and on grounds that exist in the biblical covenants. The limits defined by the biblical covenants are those that define America's lawful government. Such lawful government can come alive if people are willing to confront rogue government, and to implement lawful government instead.

The type of economic system that arises naturally out of the global covenant is a free market.[1] A free market is a marketplace in which, even though all *delicts* are not perfectly prosecuted because this is still a fallen world, all kinds of *delicts* are systematically prosecuted. The marketplace therefore has a prevailing sense of righteousness and justice that makes people generally confident to enter into lawful contracts with other people. This means that monopoly capitalism, crony capitalism, communism, socialism, fascism, and all forms of economic systems that rely in any way upon statism are automatically anathema. All land that is acquired lawfully is acquired through free-market processes, meaning through genuine discovery and through contracts in which there is no sign of duress, coercion, or fraud. This also means that fractional-reserve banking and fiat money backed generally by legal-tender laws, are both recognized as systemically perpetrated *delicts*, the former being fraud, and the latter being a form of coercive contract. In a genuine free market,

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two types of property should be understood to encompass private jurisdiction. — URL: http://BasicJurisdictionalPrinciples.net.

1 Further commentary: See Porter, **Theological Inventory of American Jurisprudence**, *u.S.* Constitution, Amendment V. — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_A_2_Am_V_(Free_Market).htm. At "The Foundation of Secondary Property".

lawful title to both *real* and *personal property* is acquired only through free-market processes. Free-market processes are by definition devoid of *delicts*, regardless of whether the *delicts* come from government or from elsewhere.

As already indicated, one's ownership of one's body defines one's **primary property**. Ownership of anything beyond one's body is ownership of **secondary property**, including benefits from contracts. **Primary property** does not have lawful economic value, because living human beings are not bought and sold, except when they are victims of bloodshed.[1] Even so, one's labor has economic value because such labor can be bought and sold. In fact, all lawful economic value derives from the combination of labor and land. People own their labor by natural right. Ownership of **secondary property** is also a natural right, as an abstract principle, a universal capacity.[2] When this natural right to own **secondary property** is instantiated – when it is actuated rather than allowed to exist purely as a potential – this instantiation is essentially the acquisition of a privilege under the natural law. It is a privilege given by God. It's essential for every such lawful privilege, such ownership of **secondary property**, to be recognized and accepted by the society at large, for the sake of minimizing property disputes. So lawful acquisition of **secondary property** – including land (*real property*) – happens through free market processes, and needs to be acknowledged as lawful by human law.[3]

Given that the only kind of economic system that is compatible with this jurisdictionally limited kind of human government is a free market, a market that eschews *delicts*, and given that human beings are fallen creatures that are inherently

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1 Or when an adult sells his/her own body parts.

2 One's ownership of one's labor is a natural right, but the ability to do productive labor is a privilege that's given by God. For example, infants are born with the natural ownership of their labor, but they are born with a lack of capacity to perform economically valuable labor. Such capacity is acquired by the grace of God, and through the efforts of the growing minor. — The same situation applies to the ownership of land. All humans are born with the natural right to own land, because all humans are created in God's image. But all humans are born with a very truncated capacity to own land. The capacity, actual ownership of land, is acquired as a privilege given by God (by God's grace, subsequent human faith, and the labor that results from such faith).

3 This exposition holds that the biblical narrative posits what might be called a "property-interest model of secondary property". See Porter, **Theodicy**, Part II, Chapter G, Sub-Chapter 4, *Section c*, "*How a Stand-Alone Secular Social Compact Might Arise*". — URL: http://BasicJurisdictionalPrinciples.net. — Also see Porter, **Theological Inventory of American Jurisprudence**, "Free Market Economics, Property Acquisition, & the Settlement of America", an article about the united States Constitution's Amendment V. — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_A_2_Am_V_(Free_Market).htm.

prone to depraved behavior, it's reasonable to wonder how restraints can be placed on such a free market that will curtail its propensity to go awry. This is essentially a question about how *municipal police powers* can operate lawfully within such a market, and about how *municipal functions* and *municipal purposes* can be lawfully gratified within such a free market. These questions go to the heart of how human governments need to be structured. These are the core issues to be addressed in the next two sections, "**Social Compact**" and "**Secular and Religious Variations**".

(5) To Recapitulate, Reiterate, & Reinforce:

Actions *ex delicto* generally take priority over actions *ex contractu*. This is true both in American law and in the biblical narrative as it's being interpreted here. Actions *ex delicto* take priority over actions *ex contractu* in the biblical narrative because covenant-keeping people are obligated by the global covenant with immediate *positive* and *negative duties* regarding *delicts*, while these duties regarding contracts are mediated by contractual terms. In other words, even though all Genesis 9:6 damage is proscribed, damage via contracts is necessarily adjudicated and mediated by way of the human-ordained terms of the human-ordained contract. Damage via *delicts* is not necessarily adjudicated and mediated by way of any human contract, although adjudication and enforcement by way of a *jural compact* is generally better than by way of a vigilance committee, and a vigilance committee is generally better than a lone vigilante. The *jural compact* exists strictly to facilitate enforcement, NOT for the sake of modifying the jurisdiction in any way.

A lawful *jural society* is the network of people who, through their mutual agreement, attempt to enforce actions *ex delicto*. Because of its exclusive focus on *delicts*, it is not the same thing as a "jural society" in normal American legal jargon. Through their mutual agreement, the people who form the *jural society* do so by creating a *jural compact*. — Every *ecclesiastical society* exists strictly to interpret and enforce contracts. Because laws that are not enforced are laws in name only, and because the functionality of any society that has a complex division of labor is based upon the functionality of myriad contracts that collectively aim to gratify myriad needs and desires that are inherent in the human condition, the efficacy of the *ecclesiastical society*, and of the *ecclesiastical compact* upon which it is based, is absolutely crucial to the health of the society.

The human laws enforced by *ecclesiastical courts* derive from the myriad contracts that look implicitly or explicitly to the *ecclesiastical compact* for enforcement. The *ecclesiastical society* merely interprets and enforces contracts, and does not create the human law that it enforces. *Ecclesiastical* courts certainly use rules of contractual interpretation. But its laws are created by the parties to the contracts, and enforceable

only upon them. In contrast to this, the human laws enforced by the *jural society* come from the interpretation and understanding of Genesis 9:6 bloodshed, and they are general laws enforceable generally against any perpetrator. In American law human laws proscribing *delicts* are generally identified by the common law. In other words, they are based on centuries of legal precedent and case law.

The impetus behind all *ecclesiastical* human law is the cognitive consent of the parties.[1] God created human beings as social creatures. The myriad human desires, needs, pursuits (agreements, gifts, contracts) are the root impetus behind the formation of ordinary contracts, and the need to enforce such contracts is the root impetus behind the formation of *ecclesiastical societies* and *ecclesiastical compacts*. The myriad human social pursuits have nothing to do with *delicts* of any kind. The underlying impetus for all these pursuits is common to every society because they are built into the human condition. Even so, the manner in which these legitimate, organic desires are pursued can vary wildly, based upon diverse views of reality and a variety of resources. — As already indicated the strict definition of an *ecclesiastical society* is the group of people whose function in the society at large is to adjudicate and enforce contracts whenever contract disputes arise. There is also a less rigorous definition of an *ecclesiastical society*. Assuming that a society at large is fairly homogeneous, it's likely that most of the intramural contracts within that society will look to the society's *ecclesiastical society* for adjudication and enforcement. As a result, it's reasonable to assume that "*ecclesiastical society*" can also have a more general and less rigorous definition. Under this broader definition, an *ecclesiastical society* is a single social network consisting of the parties to all the contracts whose terms call for the given strictly-defined *ecclesiastical society* to adjudicate.

The Genesis 9:6 mandate essentially gives every human being *police powers* against perpetrators of *delicts*. But it is to every human's advantage to enter into compacts to exercise such *police power*. This is true for the same reason society needs a division of labor. If all people have the same vocation, then the needs met by all the other vocations go unmet. Also, many people are frail or disabled, and are largely incapable of enforcing for themselves. So the need for a division of labor creates a need for a specific group of people dedicated to executing justice against *delicts*. The *jural society* is paid with *jural* taxes. This form of taxation is different from any other form of taxation because *jural* taxation exists only so that an ordinary person can satisfy his or her duty to execute justice against *delicts*, by proxy. In essence, the *jural society* is a servant to the tax payer, gratifying the tax

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1 Further commentary: See Porter, **Theological Inventory of American Jurisprudence**, "Maxims of the Global Covenant". — URL: http://BasicJurisdictionalPrinciples.net/1_Helps/1_0_Glossaries/1_0_2_Maxims_of_Global_Covenant_R.htm, maxim #5.

payer's need under the *positive-duty clause*, by proxy. Under this division of labor, because the professional mechanic, for example, doesn't have time to be a policeman, he pays *jural* taxes to satisfy the *delictual* aspect of the *positive-duty clause* by proxy. As already indicated, all people are called to be party to a *jural society*, regardless of whether it's as an active agent / servant / office-holder or as a more passive, by-proxy, tax payer. Even though all this is true, *jural* taxation is not lawfully confiscatory. Under a strict construction of Genesis 9:6, no kind of taxation can be confiscatory and lawful at the same time. It's crucial to note in passing that a *jural society*'s lawful penalties against any given person's **secondary property** are not a form of taxation, but are an execution of the life-for-life proportionality.

Because cognitive consent to participation is a prerequisite to all cognitive contracts, meaning that cognitive contracts can only be entered voluntarily, intentionally, and knowingly, and because a *jural compact* is a cognitive contract, it's critical that the jurisdiction of *jural compacts* be very strictly construed. It's possible for a person to refuse to give cognitive consent to participation. Even though refusal to participate might be a violation of natural law, it's not a violation of human law. Whether it's a violation of natural law or not depends upon the *jural compact*'s jurisdiction. Human history is largely a litany of all the ways that this *jural* jurisdiction has been abused. The subject matter of *jural compacts* pertaining to *delicts* and to nothing else, human history is almost entirely documentation of instances in which *jural* subject-matter jurisdictions have been either expanded beyond *delicts*, or neglected entirely. When a *jural compact* expands its subject-matter jurisdiction beyond *delicts*, it becomes tyrannical. Such a government turns into a perpetrator of *delicts* by forcing people to abide by laws against non-consensual *mala prohibita*, and by forcing people to enter into non-*jural* contracts mandatorily, unintentionally, and/or unknowingly. When a nominal *jural compact* neglects to prosecute *delicts*, the society becomes anarchistic. The society allows rogue elements to abuse people, and fails to do what's necessary to execute justice against these rogues. Often both tyranny and anarchy happen at the same time. With regard to some subject matters and some sectors of society, the *de facto jural compact* turns tyrannical. With regard to other subject matters and other sectors, the *jural compact* allows anarchy. To the extent that a *jural society* goes rogue, it loses its authority to lawfully collect *jural* taxes, even though *jural* taxes can only be collected voluntarily, through the consent of the taxee. Any time a *jural society* goes outside its narrow subject matter, that *jural society* is operating *ultra vires*, has gone rogue, and is perpetrating *delicts* by collecting taxes, and probably in many other respects as well. Under such circumstances, the nominal *jural society* needs to be stopped like any other perpetrator.

Jural societies easily deteriorate into protection rackets and other *delictual* scams. History shows this beyond a reasonable doubt. A major sign of such deterioration exists in the form of evidence that *jural* taxation has turned confiscatory. Because *jural compacts* are historically prone to having their jurisdictions misconstrued, and because when this happens, they tend to become absolutely evil, it's absolutely crucial to avoid adding any other subject matter to them. Adding extra subject matter to a *jural compact* is an invitation to jurisdictional misconstruction and dysfunction. Because of these things, and for numerous other reasons already cited, it's prudent for contract disputes to be adjudicated through an entirely different governmental compact. The same way that people need to work together in agreement to form *jural compacts*, people need to work together in agreement to form a governmental compact through which contract disputes can be adjudicated.

The same way the *jural society* exists purely and strictly to prosecute *delicts*, an *ecclesiastical society*, in the rigorous sense, exists purely and strictly to adjudicate contract disputes. Like the *jural society*, the *ecclesiastical society* cannot be allowed to collect taxes through confiscatory methods. Every litigant in a contract dispute should pay court costs mandatorily. In addition to this, everyone in the society who is party to any contract that might be adjudicated by the *ecclesiastical society* should voluntarily support the *ecclesiastical society* financially. But again, the emphasis is on voluntary, cognitively consensual revenues, with a ban on the involuntary, and with a strict distinction between taxation and property penalties that arise out of a judgment.

As already indicated, in the typical school of western jurisprudence, an "ecclesiastical society" is understood to be a religious society. In their fallen condition, all human beings are inherently idol factories. So it's impossible for human beings to avoid being religious. Even secular humanists, atheists, agnostics, and the most hardened materialists are religious. All people worship something. So all societies are "ecclesiastical societies" under such considerations. The use of "ecclesiastical" in the expressions, *ecclesiastical compact* and *ecclesiastical society*, should not be confused with the normal legal usage, which pertains "to anything belonging to or set apart for the church" (ecclesiastical).[1] Because this exposition focuses so heavily on the global covenant, its usage of "church" and religion are much more broadly defined than is normal in common parlance or in legal jargon. This exposition's use of "ecclesiastical" is based on the legal definition of ecclesia, "An assembly".[2] But an *ecclesiastical compact* is more than a mere assembly. By being the default vehicle for adjudication of a society's contract disputes, an *ecclesiastical compact*, under its broad

1 **Black's 5th**, p. 459.

2 **Black's 5th**, p. 459.

definition is the aggregation or coalescence of all the agreements, gifts, and contracts of an assembly or society into a single system or network of such agreements, gifts, and contracts. So an *ecclesiastical compact*, in this broad sense, can be understood to be this system or network conceptualized as a single compact. But this single compact excludes whatever agreements, gifts, and contracts are fundamental to the existence of a *jural compact*. — Because every human being, and every society, worships something, and is therefore religious in nature, every society is a religious society, even societies of barbarians, pagans, and perverts. Every human being, and every society, values something more than anything else, even if that most valued thing is nothing more than one's next meal. That human being's, or that society's, most valued thing is that human being's or society's God or gods. An *ecclesiastical society*, in the broad sense, is the network of people who, by their associations, agreements, and contracts, form an *ecclesiastical compact*, in the broad sense.

The impetus behind all *jural* human laws is the fact that all people are created in the image of God, and are therefore equal in natural rights, and necessarily equal before the law.[1] This fact may tend to generate a facial belief that the core characteristic of all human law that's consistent with the Genesis 9:6 global mandate MUST confirm that all people are created in the image of God and are therefore equal in natural rights before such law. But contractual human laws can violate natural law without violating this global mandate, and this fact tends to generate complexity that negates the facial belief. Human law that derives from contracts is geared to protect contractual privileges and obligations that derive from such contracts. *Jural* human law is not mediated by a human contract while *ecclesiastical* human law is. Damage that arises out of a contract exists by way of the breach of the contract, and therefore must be implicitly or explicitly defined by the contract. This contrasts with damage that arises *ex delicto* because in that case the *delict* defines the damage. Because the contract can be amoral, the damage can also be amoral. So secular *ecclesiastical societies*, in the strict sense, should not endeavor to enforce natural law, or even natural rights, as a general rule. They exist strictly to prosecute damage that arises (and is defined) *ex contractu*. Contractual privileges and benefits are acquired through the same mechanism as other kinds of **secondary property**, *i.e.*, through cognitive consent and labor on land.

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1 Further commentary: See Porter, **Theological Inventory of American Jurisprudence,** "Maxims of the Global Covenant". — URL: http://BasicJurisdictionalPrinciples.net/1_Helps/1_0_Glossaries/1_0_2_Maxims_of_Global_Covenant_R.htm, maxim #4.

A human law that cannot be enforced is not a real human law.[1] For any obligation to be real human law, such human law must be enforceable. There are two obvious prerequisites to any obligation being humanly enforceable: (1)There must be a penalty to be executed by humans. (2)There must be someone willing and able to enforce it. — Given that this chronological **exegesis** found creation ordinances that do not satisfy these two prerequisites to human law, it's reasonable to believe that there are at least a dozen such ordinances in the global covenant as such covenant exists in the ***law-enforcement epoch***. The *negative duty clause* and the *positive duty clause* constitute new ordinances of the global covenant. The *negative duty* demands that humans avoid perpetrating bloodshed. The *positive duty* provides a penalty for violations of the *negative-duty clause*, namely the life-for-life proportionality. The *positive-duty clause* also provides an enforcer, namely, every human being is called upon to be an enforcer. But if someone refuses to enforce, and thereby refuses to comply with the *positive duty*, no penalty is specified, and no enforcer is specified. So out of these dozen or more obligations that exist as part of the moral-law leg of the natural law, the *negative duty* is the only obligation that is explicitly and directly backed up by a prescription of human law. Even the *positive-duty clause* is not backed up by a prescription of human law. All these dozen or more obligations, excepting the *negative duty*, fall into the category of being non-penalty-bearing mandates that may or may not deserve enforcement *ex contractu* through local contracts. So they cannot be lawfully enforced through human law except through local contracts. So all the terms of the global covenant are globally applicable as natural law, but all are not globally enforceable as human law.

To see how penalties are essential prerequisites to the existence of real human law, consider this scenario: Mr. X murders Fred. Mr. X is not a party to any contract or compact in Fred's society. Even so, the *jural society* where Fred was murdered will pursue Mr. X to execute something akin to the *lex talionis* against him. This is because the bloodshed mandate, like all the terms of the global covenant, applies to all people; but unlike the global covenant's other human obligations, the mandate to avoid perpetration of a *delict* has a penalty, namely, the life-for-life proportionality, which in the case of capital murder, is the *lex talionis*. So if Mr. X is within reach of the *jural society*, it will execute retribution against him. But if the global covenant did not stipulate this global penalty, then the proscription of murder would be natural law, but not human law. Mr. X would be as free as Cain to repeat his offense. Without a penalty, *jural* human law cannot exist. — To see how the fact

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1 Further commentary: See Porter, **Theological Inventory of American Jurisprudence,** "Maxims of the Global Covenant". — URL: http://BasicJurisdictionalPrinciples.net/1_Helps/1_0_Glossaries/1_0_2_Maxims_of_Global_Covenant_R.htm, maxim #12.

that lack of penalty entails lack of enforceability entails lack of human law affects an *ecclesiastical society*, consider the following scenario: Mr. X drinks animal blood. Mr. X has entered into a contract with numerous people in the society, and the contract forbids the drinking of animal blood. But no penalty is specified. Since no penalty is specified, there is no leverage with which to compel Mr. X to abide by the standards. So the society either gives up its standards, or puts a penalty in place. Because a lawful society operates by consent, if Mr. X refuses to consent to the adoption of a penalty, the society still has no leverage with which to compel compliance. Unless a mechanism like majority rule is a prerequisite to participation in the given contract, from the beginning, no mechanism exists by which to compel Mr. X into compliance. Another possible mechanism to persuade (but not compel) Mr. X to comply might be to refuse to buy from him or sell to him, and to refuse to make any new contracts or agreements with him. Such an embargo against Mr. X might be sufficient to make him either comply or resign participation in the given contract. This kind of embargo doesn't entail perpetration of any kind of *delict* against Mr. X.

Even if a law has a penalty, if there's no one willing and able to enforce it and execute the penalty, it has no real existence. So if there's no one willing and able to enforce an obligation, the obligation doesn't exist as real human law, regardless of whether the obligation is *jural* or *ecclesiastical* and regardless of whether or not there is a presumed penalty.

Because real *ecclesiastical* human law is based on the consent of the parties to an agreement or contract, it applies only to those parties. As a prerequisite to being real human law, there must be someone willing, able, and designated by contract to enforce it. Suppose Mr. X drinks blood. Mr. X has no contracts with anyone. Since his drinking blood does not result in a dead, damaged, or injured party, his blood drinking is outside the jurisdiction of the *jural society*. Since he has no contracts with anyone in the society, he is not subject to any of the society's contractual standards.[1] Even if the terms of the global covenant forbid drinking blood, this prohibition is not enforceable against all people, because no human-law penalty is specified for it in the global covenant. There is therefore no one able to lawfully enforce it against people who do not consent to abide by it.

Although real *jural* human law is not based on the cognitive consent of those subject to the laws, it does require the cognitive consent of its enforcers, meaning consent to enforce. Real *jural* human law applies to anyone who violates it. Because

1 Unless he drinks blood in a geographical location owned by people who reject blood drinking, in which case they can expel him, based on the *delict*, *trespass*.

the mandate against any *delict* is accompanied by a penalty – the life-for-life proportionality – it may appear that *jural compacts* would have teeth, compared to the other global ordinances that provide no mention of a human-executable penalty.[1] But as mentioned, this is not necessarily true. The *jural* obligations could be as toothless and un-enforceable (humanly speaking) as all the other global ordinances. This is because the existence of a penalty is not enough to make a law enforceable. In order for a law to be enforceable, there must be people who are willing and able to enforce it. Likewise, if there's no one willing and able to enforce the mandate against a *delict*, it won't be enforced, except by God through natural law. — If a society decides collectively, by the consent of all having capacity, to abide by the global covenant's *jural* obligations, then the enforcement against perpetrators of *delicts* is not so problematical. For most intents and purposes, both the penalty requirement and the people-willing-and-able requirement are met. But if all do not consent, no one is delivered from the obligation. All are still obligated to abide by the *jural* obligations. — According to the bloodshed mandate, all people are obligated to execute justice against perpetrators of a *delict*. But what if people refuse to do that, and refuse to help in the execution of justice against *delicts* in any way? — According to the global covenant, there is no explicit penalty against people who exercise such a refusal. Even though refusal to recognize the obligation to execute justice against *delicts* may be an insistence on returning to the antediluvian status of society, and even though such an insistence may be hostile to God's clear intentions in implementing the bloodshed mandate, a penalty cannot be imposed on this refusenik, except perhaps through consensual, non-violent, non-*delictual* mechanisms like a boycott. The fact that taxation is necessarily voluntary is proof that Anglo-American jurisprudence has been jurisdictionally dysfunctional throughout its existence.

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Both lawful *jural societies* and lawful *ecclesiastical societies* need to be established, and the entire American legal system, including all branches of government, needs to be modified so that it complies with the Bible's jurisdictionally reliable foundation. The same is true for every other nation on earth. Any kind of law or legal action that is neither *ex delicto* nor *ex contractu* needs to be repealed, rejected, and outmoded. In order for such jurisdictionally rigorous guidelines to be viable in a pluralistic, technologically advanced society, people generally need to know more about these

1 See Porter, **Theological Inventory of American Jurisprudence,** "Maxims of the Global Covenant", maxim #1. — URL: http://BasicJurisdictionalPrinciples.net/1_Helps/1_0_Glossaries/1_0_2_Maxims_of_Global_Covenant_R.htm.

governmental contracts and what it takes to make governments operate within these guidelines. This is especially evident when considering the scope of *municipal police powers*, *purposes*, and *functions*.

(ii) Social Compact

By now, it should be obvious that *jural* and *ecclesiastical* compacts are necessary to human law and human governments that are both lawful and stable. Even if *jural* and *ecclesiastical* compacts are called by other names, it should be obvious that they are essential, and the reader should take it as undeniable that the Bible posits them as necessary, and likewise posits their jurisdictional distinctions as necessary.[1]

A face-value, sub-rational reading of the Bible might never lead to the conclusion that *jural* and *ecclesiastical* societies and compacts are crucial aspects of the biblical prescription of human law. But the belief that God is rational, combined with the belief that all truth is God's truth, leads relentlessly to the conclusion that this is a fact embedded in the Bible: *Jural* and *ecclesiastical* societies and compacts are crucial to establishing who is responsible for enforcing the *positive-duty clause*, and to establishing how to enforce this clause. — The human impulse towards rational integrity – when properly influenced by these two beliefs about God, that God is rational and that all truth is God's truth – leads inevitably to conclusions that a mere face-value, sub-rational reading of the Bible could never reach. As the author of all of creation, God is bigger than the Bible, but God is still nevertheless the author of His holy book and of His holy covenant, and of all of the book's rational elegance, and of all of the covenants' jurisdictional elegance. Because God is the author of all, all is necessarily incorporated into the Bible even if unarticulated. So based on the ideas proclaimed in the sections above, the Bible must necessarily maintain as fact that *jural* and *ecclesiastical* compacts and societies are undeniable aspects of the biblical prescription of human law. But even if the reader grants that all of these claims are

1 It should also be obvious that these claims are based on the broader claim that all truth is God's truth. As Abraham Kuyper is reputed to have said, "There is not an inch in the whole of temporal life about which Christ, as Lord of all men, does not say, 'Mine.'" Failure to recognize God's sovereignty over every fact is invitation to disintegration. This is as true for jurisprudential facts as it is for scientific facts, mathematical facts, and biblical facts. All facts that can be known by humans are manifestations and expressions of natural law. In each leg of the natural-law tripod, facts knowable by humans are manifestations of the natural law. In contrast, in human law, facts are used as evidence to prove or disprove violations of human law, and not so much to manifest the existence of human law, although the latter is certainly also a function of facts in human law. The crucial point is that *jural* and *ecclesiastical* compacts and jurisdictions are crucial to the biblical prescription of human law.

true, it's probably also obvious to the reader that by themselves, these claims do not sufficiently explain how to establish viable and lawful human government.

To see how to use *jural* and *ecclesiastical* compacts and societies as a foundation for building viable and lawful human government, it should help to review the chain of reasoning that led to the discovery of *jural* and *ecclesiastical* compacts and societies. The chain starts with the fact that all humans, even fallen humans, are created with the *imago Dei*. Based on this fact, all humans are blessed with a capacity to live in complete harmony with natural law, but in the inherently fallen condition, this capacity is dormant. Therefore, it's right to understand every human as being "totally depraved" relative to this capacity for complete harmony with natural law. — Based on the fact that all humans have the *imago Dei*, all humans have natural rights, where natural rights are naturally occurring just claims. All humans are created with just claims to **primary** and **secondary** property. But being fallen, all humans are vulnerable to evil and negligent acts of other fallen humans. Such positive and negative acts can cause damage to the fallen human. Such damage can arise out of breached local contracts, or from somewhere else. Any such damage that does not arise out of a contract is a *delict*, and it arises *ex delicto*. Any such damage that arises out of a breached contract arises *ex contractu*. Because all humans are called by Genesis 9:6 to execute justice against people who perpetrate such acts, genuine execution of justice by the lone vigilante is lawful. But for the sake of due process, meaning for the sake of ensuring that genuine justice is done, it's generally better if people work with other people to execute justice. So vigilance committees are also lawful, given that they execute genuine justice. But they are not the best because they are not stable and perpetual. For stable and perpetual execution of justice and equity that honors jurisdictional boundaries, *jural* and *ecclesiastical* societies and compacts are necessary. This chain of reasoning leads from recognition of the need for *jural* and *ecclesiastical* compacts to need for understanding how these two societies and compacts should work relative to one another, and relative to the rest of the society.

Because only eight people survived the flood, there was scant need for them to go into detailed analysis of the ramifications of the 9:6 bloodshed term of their new covenant. But given that the world population is currently over 7 billion, the need for detailed analysis is now huge. It's critical to understand the truth that is embedded in this verse. From the flood until now, the jurisdictional boundaries and distinctions contained within the ambit of the *positive-duty clause* have largely remained cloaked. It's necessary to continue building on these two compacts until it's obvious how to build human governments so that such governments are consistent with the biblical covenants. To fulfill that need, it should help to assume that the

population is much, much larger than eight people, and that they in general have a collective desire to operate by the principles embedded in Genesis 9:6.

Assuming that Noah's descendants were numerous, and that they wanted to live together as a single society, rather than to be scattered all over the planet, provides the setting necessary for understanding how the *jural* and *ecclesiastical* work together within a single society. In the same way that the Didactic, especially Paul's epistles, proclaimed the existence of the covenant of works and the covenant of grace, even though bald reading of the first chapters of Genesis does not explicitly identify the existence of these covenants, it's necessary to presuppose that Romans 13:1-7 (and other Didactic passages about the same subject matter) take it for granted that God had previously prescribed the existence of a polity for global human law. This presupposition is necessary because bald reading of Romans 13:1-7 (and similar passages) shows the passage to be full of rational inconsistencies. Similar to the way that use of the Didactic as a template for reading Genesis 1-3 confirms the existence of the covenant of works and covenant of grace, insisting on rational integrity, and therefore on a non-bald reading of Romans 13:1-7, forces a search for a global prescription of human law, and that search leads to Genesis 9:6, within the overall context of the Noachian covenant. By reading Genesis 9:6 as a jurisprudential genre of literature, one confirms the existence of this polity for global human law. Genesis 9:6 is the only place in the entire Bible where global human law is explicitly prescribed by God. Use of the jurisprudential genre to interpret this verse demands that the human population be at least hypothetically much larger than merely eight people, and it demands that there be a substantial amount of agreement within this population about pursuit of actions consistent with the 9:6 mandate. This expansion of the population should be understood to be nothing more than a necessary philosophical abstraction, and not an assumption of actual population growth.

If people agree to live together as a society or community, that agreement is implicitly contractual, if not explicitly contractual. At the very least, there is a pre-cognitive contract that binds the community. According to the biblical prescription of human law, such a contract should always encompass *jural* and *ecclesiastical* compacts as sub-compacts, even though such a pre-cognitive contract would not be enforceable as human law. For all the reasons already set forth, contract formation is crucial to the efficient protection of rights and property. Because no one likes having their natural rights and property abused,[1] every community / society has implicit or explicit remedies for the damage that accompanies such abuse. In some

1 Some might argue that masochists and other servile personality types like having their natural rights abused. But this is a perversion of human nature resulting from a perverse

societies, the remedies for Genesis 9:6 damage may appear to be almost absent as a result of jurisdictional dysfunction. In other societies the remedies may be worse than the original damage. Regardless of how jurisdictionally dysfunctional any given society may be, the demand for remedy always exists. But this demand for remedy for Genesis 9:6 damage is not the core reason for the aggregation of people into communities and societies, although it is certainly a factor.

People aggregate into societies to gratify myriad needs and desires that are far more difficult to satisfy when people are isolated. By aggregating and having a division of labor, people naturally enter into agreements with one another to gratify these myriad needs and desires. Because no one likes being swindled in such agreements, there is a deep-seated propensity to put enforcement mechanisms into such agreements, tending thereby to turn the agreements into contracts. This means that within communities and societies, the need for having some kind of *ecclesiastical society* for the adjudication of contract disputes is huge. Humans are social creatures, and in an imperfect world, social creatures have conflicts. So it's likely that in this ancient society, there existed some kind of *ecclesiastical society*. In a primitive clan / nation, the *ecclesiastical society* may be nothing more than a tribal elder or shaman trying to remedy the contract dispute with some kind of primordial rite. Even though this attempt at remedy may be jurisdictionally dysfunctional, it is still nevertheless a sign that an *ecclesiastical society* / *compact* exists within the given community / society. It also shows that an *ecclesiastical compact* exists in the broader sense of the term.

In the broader sense of the term, an *ecclesiastical compact* is the aggregation of all the contracts in a community / society into a single system or network of contracts, excluding the *jural compact*. Even though it may be edifying in some respects to conceive of all these contracts as such a network, an *ecclesiastical compact* in this broad sense has no immediate bearing on human law. As long as such a broadly defined *ecclesiastical compact* remains informal, it is more a pre-cognitive contract than a cognitive contract. It is like a contract that merely exists subliminally within the society. Even so, because no one likes being the victim of Genesis 9:6 damage, there is huge demand in every society for some kind of *jural society* and *jural compact*. This is true even if the *jural society* is jurisdictionally dysfunctional, and even if the people in the society cannot conceive of how to articulate their demand. — Clearly, even if it was jurisdictionally dysfunctional, this ancient hypothetical society had both *jural compact* and *ecclesiastical compact*. In order for a *jural society* and a broadly defined *ecclesiastical society* to function together in the same society,

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perception of the natural law. Given personalities that are adequately conformed to natural law, no one likes having their natural rights abused.

there would need to be agreements about how these two compacts would function together. This need points to another crucial concept, identified in this exposition's nomenclature as a *social compact*. A *social compact*, in the broad sense of the term, is the aggregation of all the contracts in a clan / nation, including the *jural compact* and the *ecclesiastical compact*, into a single system or network of contracts. Like the *ecclesiastical compact* in the broad sense of that term, this single system or network has no immediate bearing on human law. Its status is also essentially pre-cognitive as long as it remains informal.

Based on the proposition that the *jural* and *ecclesiastical* compacts are implicitly mandated in Genesis 9:6, lawful human government is necessarily a system of contracts. Governments that are not based on contracts and consent are not lawful governments. If governments are not based on contracts and consent, then in practically everything they do, they perpetrate *delicts* under *color of law*, and they probably violate the rule that contracts are by definition agreements, and the rule that agreements are by definition mutual consent. — It may be true that people generally believe that government by consent is idealistic and unrealistic. Because jurisdictional dysfunction has been the norm since the Tower of Babel, ignorance about lawful jurisdictions has been the norm. Given this kind of norm, there's no wonder that government by consent is generally considered unrealistic and idealistic. But common sense says that government by consent is unrealistic only if the know-how necessary to make government by consent viable is missing. Even though the Bible doesn't explicitly say that governments are built with contracts, according to any reasonable reading of it, lawful human governments can be instituted among human beings only by way of contracts, and must be aimed at satisfying the duties in Genesis 9:6. The fact that jurisdictional dysfunction has been the norm since Babel indicates that government by consent has NOT been the norm, and it indicates that the know-how necessary for making government by consent viable has been missing.

Regarding the know-how necessary to make government by consent realistic, it's obvious that if the *jural compact* and the *ecclesiastical compact* both exist within the same society, there has to be some kind of contractual relationship between them that will allow them to interact as needed, while pursuing their respective, distinct jurisdictions. As long as the respective jurisdictions of the *jural compact* and *ecclesiastical compact* remain distinct, it's reasonable that the interface between the two would be contractual, and interaction between the two would be by way of a mediating contract. Of course, in this hypothetical society immediately after the promulgation of the Noachian covenant, the interaction between the *jural* and

ecclesiastical societies would probably be jurisdictionally dysfunctional, so much so that the two would not be distinguishable to anyone living in that society.

Assuming that this hypothetical society had explicitly formed both the *jural* and the *ecclesiastical* societies, both of these sub-societies would be in operation. It's reasonable to call the contract that binds these societies together a *social compact*, in the strict sense of that term. So in the strict sense of the term, a *social compact* is the contract that unites the *jural* and *ecclesiastical* compacts. The *jural compact* and the *ecclesiastical compact* are thereby subsets of the *social compact* in the strict sense, but they're also sub-compacts of the *social compact* in its broad sense. As already indicated, a *social compact* in the broad sense is most likely to be a pre-cognitive contract that is generally unenforceable as lawful human law. But it's also possible that it could be formalized so that it is an either tacit or express cognitive contract that unites the *jural compact*, the *ecclesiastical compact*, and a society's myriad other contracts and agreements into a single, contractually networked society. This process of uniting does not override the mutual exclusivity of the *jural* and *ecclesiastical* compacts, but merely makes them able to communicate and cooperate. So in both the broad and the narrow senses, a *social compact* is either a pre-cognitive or cognitive contract that unites the *jural compact* and the *ecclesiastical compact* within a single society. A *social compact* is an integration of *jural* and *ecclesiastical compacts* into a single community or society, thereby instantiating some kind of human government, while presumably keeping the two sub-compacts distinct. It's reasonable to assume that the degree of jurisdictional dysfunction operating within a society is inversely proportional to the degree of distinctness of the two sub-compacts.

Even though the aggregate needs and desires of a society are obviously myriad, they must also be finite. The aggregate needs and desires that are encapsulated by the broadly defined *social compact* are necessarily finite. Given that every human being has a finite set of needs and desires – including the need to stay alive, which encompasses needs for food, water, housing, clothing, *etc.* – the needs / desires of the society as a whole must also be finite. There may be variations on the set of needs and desires from one human being to another, and from one society to another, but because humans are finite, the variations must also be finite. The approach to gratifying needs and desires may vary drastically from one society to another. But the nature, characteristics, and attributes of human needs and desires are necessarily a function of being human. Humans are finite. So the variations are finite. The needs and desires of any given society are a function of the given society as surely as the basic needs and desires of any given human being are a function of the given human. Given that these claims are obvious on their face, it's also obvious that the jurisprudential concepts of *municipal purposes* and *functions* are also functions of

humanity's finite needs and desires. These jurisprudential concepts are therefore encompassed by the broad definition of *social compact*. Before examining *municipal purposes* and *functions*, it's important to understand the jurisprudential definition of *municipal*.

> *municipal* — In narrower, more common sense, it means pertaining to a local government unit, commonly, a city or town or other governmental unit. In its broader sense, it means pertaining to the public or governmental affairs of a state or nation or of a people.[1]

It should be clear that in its broad sense, the word *municipal* signifies a concept that is encompassed by the concept of the cognitive *social compact* in its broad sense. But there are two significant differences between the two: (i)Under the assumption that all human government is contractual, the broad definition of *social compact* encompasses both *public* and *private contracts*, while the broad definition of *municipal* only encompasses *public contracts*. (ii)The *social compact* has jurisdictional constraints marked by the existence of *jural* and *ecclesiastical* sub-compacts, while *municipal* is not necessarily restrained by such jurisdictions.

> *municipal purposes* — Public or governmental purposes as distinguished from private purposes. It may comprehend all activities essential to the health, morals, protection, and welfare of the municipality.[2]

> *municipal function* — One created or granted for special benefit and advantage of the urban community embraced within the corporate boundaries. … Municipal functions are those which specially and peculiarly promote the comfort, convenience, safety and happiness of the citizens of the municipality, rather than the welfare of the general public. Under this class of functions are included, in most jurisdictions, the proper care of streets and alleys, parks and other public places, and the erection and maintenance of public utilities and improvements generally.[3]

At least since the deluge, every society has to some degree had needs for "proper care of streets and … other public places, and the erection and maintenance of public utilities and improvements generally". Even a tribe that has no roads will usually have some kind of community building and other "improvements" that fit aptly within the categories of *municipal purposes* and *functions*. Every society has to some

1 **Black's 5th**, p. 917.
2 **Black's 5th**, p. 918.
3 **Black's 5th**, p. 918.

degree had a need to pursue "health, morals, protection, and welfare" of the society. The typical way that every society has pursued the resolution of such needs is via *municipal laws*, imposed by powerful leaders, and not imposed through the consent of ordinary, non-psychopathic people.[1]

> *municipal law* — That which pertains solely to the citizens and inhabitants of a state … .[2]

Because the nation-state developed in many respects from the city-state, *municipal law* has historically been synonymous with the laws of the state. In modern American law, laws specific to a given city are often called *municipal ordinances*:

> *municipal ordinance* — A law, rule, or ordinance enacted or adopted by a municipal corporation for the proper conduct of its affairs or the government of its inhabitants; *e.g.* zoning or traffic ordinances, building codes. Particularly a regulation under a delegation of power from the state.[3]

In the American system, there is a limited form of consent that goes into the enactment and enforcement of *municipal laws* and *ordinances*. Such consent is so limited that it belies any claim that government in America is government by the consent of the governed.

> *municipal authorities* — As used in statutes contemplating the consent of such authorities, the term means the consent by the legislative authorities of the city acting by ordinance; for example, in a town, the members of the town board.[4]

It's clear that what is generally understood to be *municipal laws*, *purposes*, and *functions* are largely the same as the laws, purposes, and functions that are the focus of *police powers*. Both *municipal laws* and *police powers* "comprehend all activities essential to health, morals, protection, and welfare", including construction and maintenance of streets, parks, public places, public utilities, zoning, traffic laws, building codes, health codes, sewage, garbage, water, and control of "vices" like gambling, prostitution, and substance abuse. In America, both *municipal laws* and

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1 In the field of "international law", "municipal law" is a term of art that is understood to indicate the domestic or internal law of any given state. It is defined in opposition to "international law" without recognition of sub-categories of a state's domestic laws. Because "international law" is controlled by statist presuppositions throughout, its conception of "municipal law" is unreliable. In this exposition, *municipal laws* merely refer to laws that pertain to *municipal purposes* and *functions*, and this term should not be distorted by definitions from *international law*.

2 **Black's 5th**, p. 918.

3 **Black's 5th**, p. 918.

4 **Black's 5th**, p. 917.

police powers also comprehend public education, which in many respects replaces the state religion of the historical city-state. All of these and numerous other activities fall within the ambit of the historical and current understanding of *police powers*. Because these things are all needed, any human government proposed by anyone, that doesn't propose reasonable mechanisms for addressing such issues is inherently frivolous, or at best too abstract to be practically implemented. Simply claiming that the free market can address these issues fails to convince many people that the free market can address these issues properly. People who think the free market and crony capitalism / fascism are the same thing will not be convinced that the free market can address these issues properly, simply because someone says so. — In addition to all these readily recognizable needs, there is a need for government by consent. Government by consent must also be included among all these demands placed at the feet of human government, even if it has been neglected in the past. None of these needs and desires should be overlooked or relegated to insignificance. It is an undeniable historical fact that human governments have normally assigned consent little or no place within this finite set of needs and desires of the society / community. The standard has been that powerful leaders have ruled according to their own psychopathic discretion, and only rarely with genuine wisdom. This is precisely how, and why, human governments have been jurisdictionally dysfunctional. For numerous reasons – including the fact that secular governments are in recent times the most heinous criminals in human history – it's critical that consent be given its due seat at the table of needs and desires, along with safety, health, morals, order, general welfare, public convenience, general prosperity, and all the rest. But for consent to take its proper place at this table of needs and desires, it's necessary for consent to be given a much more prominent seat than the rest. This can only be done through an understanding of how lawful *social compacts* must operate.

In none of these "municipal" definitions is there any mention of a distinction between *delicts* and contracts. If consent is given the seat of prominence that it is due, given that all humans are created with the *imago Dei*, then none of these *municipal* definitions should relegate *delicts* and contracts to such insignificance. On the contrary, if such *municipal police powers* were constrained to operate within the jurisdictional limitations imposed by *jural* and *ecclesiastical* compacts, then these *municipal police powers* could only be put into effect by way of contracts. They could not be put into effect by way of fiat dictates and edicts of the mighty. If *municipal police powers* are lawful, meaning, if the *police powers* of a given *social compact*'s *public contracts* are lawful, then such *municipal laws* must be inherently intended to apply to everyone within the *municipality*'s / *social compact*'s / society's / community's territorial jurisdiction who has given cognitive consent to participate in such *public contracts*. In reality, unanimous consent to *municipal* laws and ordinances has

been so rare that it's probably safe to say that it has virtually never existed in any *municipality* in human history.

Given that the hypothetical society immediately after the promulgation of the Noachian covenant had only primitive technology, it's reasonable to assume that the definition of this society did not require writing. It's reasonable to assume that the definition of *social compact* also did not require writing. The definition of a *social compact* / community / society doesn't even require articulation. The composition of the *social compact* / community / society can be passed as unarticulated customs, *i.e.*, as pre-cognitive contracts, from one generation to the next. Even so, for the *social compact* to be lawful human law, all parties must have entered it through cognitive consent.

According to biblical fact, broadly defined *social compacts* existed without subtending *jural compacts* prior to the deluge. Even after the Genesis 9:6 mandate to include the *jural* appendage, most *social compacts* / communities / societies reflect little or no distinction between the *social compact*'s *jural* and *ecclesiastical* functions. This doesn't mean that the distinction doesn't exist. It means that there is confusion in the *social compact*'s creation, maintenance, and implementation. Because a *social compact*, in the strict sense of the term, is essentially the same thing as a government, it becomes clear that most governments inadequately distinguish *jural* and *ecclesiastical* functions. As a result of this jurisdictional dysfunction, megalomaniacs took over governments in general in the 20th century, and a cabal of psychopaths and their horde of sociopathic, bureaucratic minions has apparently done the same in the *united States* in the early 21st. One government after another has ostensibly assumed the task of gratifying all the myriad needs and desires of their respective populations, without any regard to the consent that is crucial to jurisdictional sanity, and without any regard to avoiding government-perpetrated *delicts*. These governments have in effect promised a chicken in every pot if only the populace would cooperate with the psychopathic agenda. So in the 20th and 21st centuries, human governments have generally been taken over by con artists. These governments have assumed the task of gratifying all the *municipal purposes* and *functions* which have historically been the subject matter of jurisdictionally dysfunctional *public contracts*, and have also generally assumed the task of gratifying the subject matters of many, sometimes most, *private contracts*. These human governments have generally ignored the foundational principle of sane government construction, meaning every human being's cognitive consent. These governments have thereby ignored the concept that governments violate their reason for existing by ignoring the need for them not to perpetrate *delicts*. Because jurisdictional dysfunction has been the norm from the promulgation of the Noachian covenant until now, the vigilant need to ask a simple,

incessant question about their government: Does this *social compact* enforce the Genesis 9:6 mandate without becoming a violator of it?

Even though *ecclesiastical compacts* and *jural compacts* may appear at first glance to be all that's necessary for the methodical and lawful enforcement of human law, practical considerations make it obvious that they are not enough. There needs to be some kind of umbrella *social compact* through which judges are hired, police are hired, jails are built, and all the necessary and desirable *municipal functions* and *purposes* are fulfilled. A huge problem is that the larger the population of people whom a *social compact* / *municipality* presumably encompasses, the more difficult it is to obtain universal consent, and the greater the propensity to jurisdictional dysfunction. Societies are bound together by complex systems of agreements. The more consent is ignored, and the more conformity is achieved through force or fraud, the more the seeds for the society's self-destruction are sown. In order for a society to function, it needs an *ecclesiastical society* to enforce these agreements and to adjudicate contractual disputes. It needs a *jural society* to adjudicate *delicts*, including, when necessary, to impeach and prosecute *delicts* perpetrated under *color of law*. Societies also need a strictly defined *social compact* to facilitate these two governmental contracts functioning together properly. Also, the *municipal purposes* and *functions* somehow have to be satisfied without violating the need for jurisdictional sanity. This means that they need to be satisfied either through *public contracts* or through *private contracts*.

Given that the need to observe jurisdictional boundaries generates a need to articulate and formalize the *social compact* within every community / society, the strictly-defined *social compact*'s jurisdiction clearly has to be defined. The *social compact*'s subject-matter, *in personam*, and territorial jurisdictions are necessarily outgrowths of the jurisdictions of the two subtending compacts, as well as of whatever other contracts the society unanimously enters. — Now, a crucial point that this exposition must make is that the Bible lays out a clear plan for progress from jurisdictional dysfunction to jurisdictional sanity, and furthermore, that that plan is necessarily based on integration of *jural compacts* and *ecclesiastical compacts* into *social compacts* in a way that doesn't violate natural rights.

If each community / society / *social compact* were not jurisdictionally dysfunctional, then each would have a subject-matter jurisdiction defined by guidelines established by way of the principles embedded in Genesis 9:6. This means that the jurisdiction of the given *social compact* would somehow arise out of some kind of blending of the jurisdictions of the *jural compact*, the *ecclesiastical compact* (strictly defined), and the jurisdictions of whatever contracts the parties to the *social compact* unanimously

enter and agree to live by.[1] These unanimously-agreed-upon contracts can be understood to be "*public contracts*", because they are public within the given society. As should be obvious in this reading, the *social compact* can be seen to be implicit in the Bible. The Bible's jurisdictionally functional *social compact* corresponds in some respects with secular philosophy's long-extant concept of the "social contract". But the secular idea of the social contract is jurisdictionally dysfunctional. While the lawful *social compact* is part of, and is rationally consistent with, the natural-rights polity, secular philosophy's social contract is not. Even though this is true, because there are some similarities between the *social compact* and the social contract, it's important to compare and contrast the two to make sure that they're not confused. To do this compare-and-contrast without having to sift through voluminous works dedicated to the social contract, this exposition will resort to the works of anarcho-capitalists. Anarcho-capitalists have already done much of this sifting.

Among anarcho-capitalists, it's common to encounter a strong inclination to completely discard the concept of the social contract. They generally repudiate the social contract because they believe that the social contract is merely a philosophical rationalization for the existence of the state. Murray Rothbard (1926-1995), the father of the modern anarcho-capitalist movement, provides an example of this repudiation:

> There is one vitally important political implication of our title-transfer theory [of contracts], as against the promise theory of valid and enforceable contracts. It should be clear that the title-transfer theory immediately tosses out of court all variants of the "social contract" theory as a justification for the State. Setting aside the historical problem of whether such a social contract ever took place, it should be evident that the social contract, whether it be the Hobbesian surrender of all one's rights, the Lockean surrender of the right of self-defense, or any other, was a mere promise of future behavior (future will) and in no way surrendered title to alienable property. Certainly no past promise can bind later generations, let alone the actual maker of the promise.[2]

Because of his conception of what constitutes a valid contract, which he calls the "title-transfer theory", Rothbard is convinced that "all variants of the 'social contract' theory as justifications for the State" should be dumped. As is clear in Porter's **A Memorandum of Law and Fact Regarding Natural Personhood** and **A**

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1 Unanimous consent is clearly rare. But it's crucial. More focus on it shortly.

2 Rothbard, **Ethics of Liberty**, p. 147. — URL: http://mises.org/rothbard/ethics/ethics.asp, retrieved 29 April 2016

Memorandum of Law and Fact about Contracts, Rothbard's title-transfer theory should hold up well enough within secular jurisdictions, but it cannot hold up well within religious jurisdictions. In addition to this title-transfer-theory-based objection to the social contract, Rothbard made numerous other objections. Some of these objections deserve to be examined for the sake of clarifying the distinction between the *social compact* and the social contract.

In the above paragraph from Rothbard's **Ethics**, Rothbard clearly objects to "the Hobbesian surrender of all one's rights". He also clearly objects to "the Lockean surrender of the right of self-defense". Although these are certainly objections to the Hobbesian and Lockean renditions of the social contract, the objection that causes Rothbard and company to dump the whole idea of the social contract is the objection based on the title-transfer theory. Arguments pro and con regarding the title-transfer theory can be found in these two memoranda, as well as later in this exposition. The position of both of these memoranda, as well as of this exposition, is that Rothbard's arguments in favor of the title-transfer theory are valid within secular jurisdictions, but they are not necessarily valid within religious jurisdictions. This claim obviously depends heavily upon the distinction between secular and religious jurisdictions. This issue is the subject of the next section. In the meantime, because the term, *social compact*, is intended in this exposition to be applicable in both secular and religious jurisdictions, it's important to focus on what is true about the *social compact* in general. So it's important to compare and contrast the *social compact* and the social contract. To that end, it's important to ask what else is so repugnant in the Hobbesian, the Lockean, and practically all other concepts of the social contract. In short, what else motivates Rothbard to junk them all?

Neither surrendering all of one's rights nor surrendering "the right to self-defense" is required by the *social compact*. It's safe to assume that none of the social contract theories that Rothbard and company reject is based clearly, rationally, and consistently on what anarcho-capitalists call the "nonaggression axiom" (NAA). This error, the failure to ground the social contract on the NAA, would lead every one of these social contract theories into errors repugnant to anyone who held firmly to the NAA. On the other hand, this exposition discovers in the Noachian covenant a proscription of other-inflicted damage that easily encompasses the NAA, and the concept of *social compact* being expounded herein grows rationally out of that discovery. So the failure to adhere rationally to the NAA that is implicitly a reason for rejecting all social contract theories, cannot be a reason for rejecting the *social compact*. Even though this is true, for the sake of exposing the general characteristics of the *social compact*, it should help to examine a few of the serious flaws in historical concepts of the social contract. This is especially important given that the governmental

system of the *united States* was established to a large extent upon Locke's concept of the social contract, and the American governmental system is therefore inherently tied to social contract theory. To find these flaws, these objections to historical concepts of the social contract, it should help to look at a couple of other quotes from Rothbard's **Ethics**.

Appended to the above paragraph from Rothbard's **Ethics** is the following footnote:

> As Rousseau states, "Even if a man can alienate himself, he cannot alienate his children. They are born free, their liberty belongs to them, and no one but themselves has a right to dispose of it … for to alienate another's liberty is contrary to the natural order, and is an abuse of the father's rights." Rousseau in Barker, ed., *Social Contract*, pp. 174-75. And four decades before Rousseau, in the early 1720s, the libertarian English writers John Trenchard and Thomas Gordon, in their *Cato's Letters*—widely influential in forming the attitudes of the American colonies–wrote as follows:
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> > All men are born free; liberty is a gift which they receive from God himself; nor can they alienate the same by consent, though possibly they may forfeit it by crimes. No man … can … give away the lives and liberties, religion or acquired property of his posterity, who will be born free as he himself was born, and can never be bound by his wicked and ridiculous bargain.
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> *Cato's Letters*, no. 59, in D.L. Jacobson, ed., *The English Libertarian Heritage* (Indianapolis, Ind.: Bobbs-Merrill, 1965), p. 108.[1]

This footnote clearly adds to Rothbard's objections to social contract theory. Up to but not including this footnote, Rothbard has posited the following objections: (i)The Hobbesian version of the social contract requires that people surrender their rights in order to participate in the contract. (ii)The Lockean version of the social contract requires that people surrender their right to self-defense in order to participate. (iii) The social contract inherently contains a "promise of future behavior" without regard to surrender of "title to alienable property", which violates Rothbard's title-transfer theory of contracts. — With this footnote, and by quoting Rousseau, Trenchard, and Gordon, Rothbard posits a couple of additional objections to social contract theories: (iv)Even if it's possible for a human to surrender his/her natural rights in order to participate in a social contract, that doesn't mean that the parent can surrender the

1 Rothbard, **Ethics of Liberty**, p. 147n.

rights of his/her child. (v)People cannot "alienate" (surrender) their natural right to liberty through consent, except through forfeiture "by crimes". — This list of objections to the so-called social contract theory is by no means exhaustive. This exposition will not attempt to answer an exhaustive list of such objections, but will herein address these and a few more for the sake of showing that such objections to the social contract cannot be valid objections to the *social compact*.

In the twenty-eighth chapter of his **Ethics**, Rothbard attempts to show the errors in F.A. Hayek's concept of "coercion". According to Rothbard, Hayek defines coercion so that "there are only relative degrees, or quantities, of 'coercion'." According to Rothbard, "Hayek [also] states that 'coercion … cannot be altogether avoided because the only way to prevent it is by the threat of coercion.'"[1] So Hayek commends controlling coercion by allocating to the state the power to make coercive threats. Rothbard marks Hayek's claim that coercion is inherently quantitative and unavoidable with a counterclaim that there is a qualitative difference between coercion that exists in "the sphere of physical violence" and coercion that does not exist in the sphere of physical violence. Rothbard also marks a qualitative difference between aggressive violence and defensive violence. Rothbard's reproof of Hayek's handling of these issues becomes even weightier through examination of the state's relation to this fuzzy definition of coercion. Rothbard says Hayek "goes on to compound the error by adding that 'free society has met this problem by conferring the monopoly of coercion on the state and by attempting to limit this power of the state to instances where it is required to prevent coercion by private persons.'"[2] Rothbard answers Hayek's statism by suggesting that the word "coercion" should be abandoned because of its being so contaminated by fuzziness. He also implies that the aggressive breed of violence can be addressed entirely through contractual mechanisms, rather than through the state. Rothbard characterizes such contractual mechanisms as "purchasing the services of defense agencies".[3] This exposition agrees with Rothbard that such aggressive violence can be addressed through contractual mechanisms, rather than through the state. But this exposition holds that such defense agencies are inadequate, although they are probably better than the state. Although private defense agencies are not inherently unlawful, any more than self-defense and vigilance committees are inherently unlawful, they are inherently insufficient for reasons similar to those given above in the case of vigilance committees. Nevertheless, Rothbard continues to critique Hayek's attempt at establishing a

1 **Ethics of Liberty**, p. 225. Rothbard is here quoting Hayek's **The Constitution of Liberty**, p. 21.

2 **Ethics of Liberty**, p. 225, Rothbard quoting Hayek's **Constitution**, p. 21.

3 Rothbard, **Ethics of Liberty**, p. 225.

"systematic political philosophy" by positing several criticisms of the whole concept of the social contract:

> [I]n any and all historical cases, "free society" did not "confer" any monopoly of coercion on the State; there has never been any form of voluntary "social contract." In all historical cases, the State has seized, by the use of aggressive violence and conquest, such a monopoly of violence in society. And further, what the State has is not so much a monopoly of "coercion" as of *aggressive* (as well as defensive) violence, and that monopoly is established and maintained by systematically employing two particular forms of aggressive violence: taxation for the acquisition of State income, and the compulsory outlawry of competing agencies of defensive violence within the State's acquired territorial area. Therefore, since liberty requires the elimination of aggressive violence in society (while maintaining defensive violence against possible invaders), the State is not, and can never be, justified as a defender of liberty. For the State lives by its very existence on the two-fold and pervasive employment of aggressive violence against the very liberty and property of individuals that it is *supposed* to be defending. The State is qualitatively unjustified and unjustifiable.[1]

There are several additional objections here: (vi)"[T]here has never been any form of voluntary 'social contract.'" Therefore, (vii)no society has ever genuinely conferred a "monopoly of coercion on the State". (viii)Historically, all states, including those that supposedly exist by way of the social contract, establish and maintain a monopoly on both aggressive and defensive violence by way of confiscatory taxation, *i.e.*, by way of theft. (ix)Historically, all states, including those that supposedly exist by way of the social contract, establish and maintain a monopoly on both aggressive and defensive violence by way of "compulsory outlawry of competing agencies of defensive violence". — These are four more objections to philosophy's historical social contract theory, especially to its use to justify the existence of the state. By combining these four objections with the five objections indicated above, these nine objections form a decent sample of objections to the social contract, and this sample should help to compare and contrast the secular definition of social contract with this exposition's definition of *social compact*. Even though this list of objections is not exhaustive, it should be obvious through this kind of exercise that objections to the social contract generally do not apply to this exposition's *social compact*.

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1 Rothbard, **Ethics of Liberty**, pp. 225-226.

(i)The objection that some social contract theories require participants to surrender their rights in order to participate in the contract: In order to deal with this issue holistically, it's necessary to define terms. If natural rights are defined as being just claims that are inherent in being human, then it's necessary to distinguish such rights from privileges that arise through the allocation of powers. The subject matter of every cognitive contract is inherently about the allocation of powers. They are not about the giving and taking of natural rights. So any social contract that requires the surrender of natural rights is inherently perverse. A *social compact* based on voluntary allocation of powers, for the sake of protecting and enforcing natural rights, cannot be negated by this objection.

(ii)The objection that some versions of the social contract require participants to surrender their natural right to self-defense in order to participate in the contract: Because the natural right to self-defense is inevitably linked to powers exercisable for the same purpose, it's monumentally important to surrender such powers only with extreme caution. When people are incapacitated in some respects, like infants, children, some elderly, and some aspects of the entire category of people who are mentally and/or physically disabled, then surrender of such power for the sake of some kind of guardian-dependent contract may be necessary. But any social contract that presumes to incapacitate participants in a similar manner is inherently perverse. A *social compact* based on the voluntary allocation of powers makes no such demand that people sacrifice their power or natural right of self-defense.

(iii)The objection that the social contract is based on promises of future behavior, and that the social contract thereby violates the title-transfer theory of contracts, and that the social contract is thereby invalidated: Rothbard's title-transfer theory essentially holds that for any legal action *ex contractu* to even get started, the plaintiff must have a plausible claim that the defendant has unlawful possession of some property to which the plaintiff has lawful title. In other words, the contract must govern transfer of title to property, from one party to another, where the defendant has taken possession without satisfying his/her duties under the contract, so that title cannot lawfully transfer to the party that possesses. So under such circumstances, the defendant, the party who possesses, is essentially stealing.[1] By emphasizing the existence of theft of property that's evaluable in concrete terms, as a prerequisite to a lawful action *ex contractu*, Rothbard is essentially claiming that actions *ex contractu* that are based on the "'promise' or 'expectations' theory of contracts", should not be recognized by lawful courts as justiciable controversies. For reasons given in both of the memoranda of law and facts mentioned above, as well as later in this exposition,

1 See Rothbard, **Ethics of Liberty**, chapter 19, "Property Rights and the Theory of Contracts", p. 133.

this exposition claims that if the title-transfer theory were properly understood and implemented within secular jurisdictions, it would probably work quite well. But if religious jurisdictions had to operate under the same constraints, then this would be a serious impediment to the operation of most religions. So no religious jurisdiction should be forced to operate under the strict constraints of the title-transfer theory. Further evidence will be given shortly to show that the title-transfer theory has a place within secular jurisdictions that are governed by the global covenant, even if the title-transfer theory has no place within religious jurisdictions.

It may be absolutely true that "the social contract … was a mere promise of future behavior … and in no way surrendered title to alienable property".[1] It may also be true that if a given social contract presumed to have jurisdiction over a variety of different religions, *i.e.*, to be secular, then it would be constrained to the title-transfer theory, and the "promise theory" would be invalid within the given jurisdiction, and the social contract would therefore be non-justiciable and unenforceable. So under such circumstances, the social contract theory would not be valid as a contract, much less valid as justification for the state. Given that the state, under its long-existing definition, is inherently jurisdictionally dysfunctional, there is no "justification for the State" under any other circumstances either. However, because the "promise theory" might be valid within a religious jurisdiction, some "variants of the 'social contract' theory" might be valid within such jurisdictions. An exhaustive survey of social contract theories produced historically would certainly show that they are all jurisdictionally dysfunctional. So both historical social contract theories and the state are invalid based on jurisdictional dysfunction. But the fact that the title-transfer theory invalidates the promise theory under some circumstances does not invalidate all possible social contract theories, even though it invalidates every social contract theory posited historically. In fact, the title-transfer theory does not invalidate the *social compact*, even though some people might claim it's a form of social contract theory.

As already indicated, this objection is based on a failure to distinguish contracts that have secular jurisdictions from contracts that have religious jurisdictions. If no allowance were made for religious jurisdictions, then people would be disallowed from freely choosing their religion, and from binding themselves voluntarily and contractually with other people who choose the same religion. The resulting exclusively secular society would thereby be its own special breed of tyranny. So religious jurisdictions must be allowed, and so must the *social compact* theory being posited in this exposition. The promise-expectation theory of contracts must be

1 Rothbard, **Ethics of Liberty**, p. 147.

allowed to exist within religious jurisdictions, even though it may be utterly repudiated within secular jurisdictions.

(iv)The objection that many (if not all) social contract theories impose participation involuntarily on descendants of voluntary participants: Given that all people have natural rights, children have the same natural rights as their parents. So the natural rights of children are as unalienable as the natural rights of parents. So any social contract that fosters the alienation of the rights of children is inherently perverse. The *social compact* negates such perversion. Given a *social compact* that has been created through the cognitive consent of a number of people within a given generation, it's critical to see how such a *social compact* would interface with the children of the original generation. — Given that the *social compact* subsumes no *public contracts* other than its *jural compact* and its strictly defined *ecclesiastical compact*, if one of the original generation has a child who has come of age who refuses to cognitively join the *social compact* and its *jural* and *ecclesiastical* compacts, then it might behoove those party to the *social compact* to allow this offspring to continue living among them with the simple proviso that he/she not damage anyone else's **primary** or **secondary** property. If those party to the *social compact* are called "citizens", then such a person born among them who refused to be a citizen might be called a "*denizen*".[1] Given such a bare-bones *social compact*, the *denizen*'s presence within that territorial jurisdiction should not necessarily disturb any of the parties. — Given that the *social compact* does in fact subsume *public contracts* in addition to its *jural* and *ecclesiastical* compacts, where the original generation unanimously agreed to abide by these additional *municipal laws*, and one of their offspring refuses to comply with some or all of the broadly defined *social compact*'s *municipal laws*, then when the refusenik reaches the age of majority, the citizens will need to figure

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1 This exposition uses the word *denizen* to refer to a person born within the geographical jurisdiction of a *secular social compact* that may be jurisdictionally dysfunctional, but who, upon reaching the age of majority, refuses to take the oath of citizenship. Under such circumstances, the *denizen* is relieved of the normal duties and benefits relating to citizenship. But the *denizen* is still under the basic obligations of the *jural compact*'s *jural* law as long as he abides within its territorial jurisdiction. The *denizen* cannot be unlawfully deported or have his property unlawfully seized, or be subjected to any other kind of *delict*. *Denizenship* is a necessary alternative to citizenship for the natural born, because citizenship cannot be properly procured without consent. — For more about *denizenship*, see Porter, **Theodicy**, Chapter G, Sub-Chapter 4, *section b*, "*Political Laws & Denizens*". For more on this exposition's view of *alienage* and *naturalization*, see Porter, **Theological Inventory of American Jurisprudence**, Article I § 8 clause 4 of the *u.S.* Constitution, "Alienage and Naturalization". — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_2_1_3_Art_I_Sec_8_Cl_4.htm.

out how to deal with this refusenik within their midst. It's certain that they cannot force him/her into participation, and it's certain that they cannot lawfully commit any *delicts* against him/her.

It should be noted in passing that the existence of a bare-bones, strictly-defined *social compact* and its geographical jurisdiction does not require that all people within such territory cognitively consent to being party. Such a bare-bones *social compact* is essentially a strict implementation of the global covenant. It can therefore allow all kinds of people and *private contracts* to exist within its jurisdiction, the only common obligation being avoidance of damage by one against another.

(v)The objection that some social contracts allow, even if they do not require, participants to alienate and surrender their natural rights: It's certain that people can alienate their rights through commission of *delicts*. Whether they can do it voluntarily without commission of *delicts* is a different issue. Within a secular jurisdiction, it's certain that it's not possible for such voluntary self-alienation to lawfully happen, because such alienation would be based purely on a promise, without genuine transfer of title. So such alienation could not be enforced in a secular court. However, things that cannot lawfully happen within secular jurisdictions CAN sometimes lawfully happen in religious jurisdictions. It's certain that natural rights cannot be voluntarily alienated in any jurisdiction. But within religious jurisdictions, it should be possible for people to create the illusion of self-alienated rights by the given person voluntarily alienating his/her powers in exchange for someone else's promises or property.

(vi)The objection that there has never been any form of voluntary social contract: It's certainly true that no jurisdictionally lawful social contract has ever existed. So all these political philosophies that posit a primordial social contract to rationalize the existence of the state are inherently wrong. Even though this is true, and even though Rothbard's objection in this case is perfectly valid, the non-existence of the voluntary social contract in the past fails to preclude the existence of a voluntary *social compact* in the future.

(vii)The objection that no society, through any kind of social contract, has ever conferred a "monopoly of coercion on the State", even though states have normally seized such monopoly by force: Using coercion in the normal legal sense of the word, rather than in Hayek's tortured sense, coercion is inherently unlawful. But violence is not unlawful if it's defensive, or if it's proportionally protective of the innocent. So this objection really pertains to the statist monopolization of both aggressive and defensive violence. Any social contract theory that promotes such statist monopoly is inherently perverse. Because this kind of monopoly is part of the normal definition of the state, statism is inherently perverse. But this linkage doesn't

exist in the definition of the *social compact*. This can be shown in reference to the *jural compact*, assuming the *jural compact* can be taken as a microcosm of the *social compact*. — If two *jural societies* have overlapping geographical jurisdictions, there is no good reason for them to see one another as inherently inimical, so that each must force the other into unconditional surrender. On the contrary, these two both have subject-matter jurisdictions that preclude either from initiating force or fraud against the other. So if each abides by its inherent jurisdiction, then the relationship between the two will be marked more by cooperation than by competition. Given this genuine commitment to abiding by lawful jurisdictions, the same kind of cooperation should exist between a *jural society* and a private defense agency, between a *jural society* and a vigilance committee, and between a *jural society* and an individual self-defender. The statist drive to monopolization of force derives from delusion and the psychopathic lust for power. Given rational jurisdictions, there is no more room for this kind of psychopathic monopoly in a *social compact* than there is in a lawful *jural compact*. Even so, because religious *social compacts* are inherently dominated by a single religion, regardless of what religion it may be, a monopoly of the use of force within its geographical jurisdiction may be allowed, or even demanded, by voluntary participants in a religious *social compact*. Given that such a religious community can be voluntarily bound together by a land covenant, if they are, then their refusal to allow *trespass* by outsiders, whether the outsiders be in their own *social compact* or not, is perfectly lawful. Because there is ample potential for aliens to enter into the territorial jurisdiction of a *social compact*, every social compact needs to make provisions for this. In a bare-bones *social compact*, it may be reasonable for the *social compact* to allow aliens free entry into the territory. But if the alien is a threat, for example, if the alien is traversing a border with an enemy state by entering the territory, and the alien has no citizen of the *social compact* to vouch for the alien, it could be reasonable for the *social compact* to make it illegal to thus traverse.

(viii)The objection that social contracts inherently create states whose existence depends upon confiscatory taxation, *i.e.*, theft: Clearly the social contract theories of the past have all been prone to generating this kind of systematic, statist theft. But that fact does not prove that there's a necessary causal connection between every conceivable social contract theory and such theft. In a genuine natural-rights polity, *social compacts* that are genuine functions of that polity should NEVER perpetrate such theft. Even so, there's no doubt that economic scarcity inevitably will tend to create economic pressure on *social compacts*, as surely as it presently creates such pressure on jurisdictionally dysfunctional governments. Given that a strictly defined *social compact* is a combination of the *jural compact*, the strictly-defined *ecclesiastical compact*, and whatever other contracts the parties to the *social compact* unanimously

agree to live by, for frugality's sake, as long as it doesn't conflate jurisdictions, it might be wise for the *jural* and *ecclesiastical* societies to share jails, police, judges, courtrooms, borders, and perhaps numerous other things. Because labor and various forms of **secondary property** are required for the procuration of each of these, where money is usually spent for such procuration, they have to be paid with some kind of revenues. Under statism, such things have always been paid for with taxes, takings, fees, *etc.* Every *social compact* consistent with the natural-rights polity will inevitably need to deal with the same kinds of economic pressure, and will need to deal with it without violating natural rights. Because this section merely introduces the *social compact* as a necessarily existing contract, these funding issues will not be further addressed here. They will be addressed later in this sub-chapter. In the meantime, it should be understood that involuntary taxation by a *social compact* is inherently unlawful.

(ix)The objection that social contracts inherently create states whose existence demands "compulsory outlawry of competing agencies of defensive violence": As shown by way of the *jural-society* example in objection seven above, there's no good reason for compulsory outlawry of a *jural society* that shares some or all of its geographical jurisdiction with another *jural society*. The same applies to self-defenders, vigilance committees, and private defense firms. In each case, there is no inherent reason for one entity to outlaw another. There is no necessary causal connection between a *social compact*'s jurisdiction and the outlawry of any of these other entities. Any *social compact* that's soundly based on principles consistent with this natural-rights polity should never outlaw these other entities, unless these other entities commit, or threaten to commit, some form of aggressive violence. The *social compact*, by way of the *jural compact*, should hold *delict* perpetrators accountable for their *delicts*, without turning greedy for power. Given that "competing agencies of defensive violence", as well as individuals, are ostensibly committed to the principles of the natural-rights polity, "compulsory outlawry" would clearly be anathema to those shared principles. So under such circumstances, coexistence rather than outlawry should be the rule. On the other hand, if two such entities that share territorial jurisdiction operate under competing principles, then there is likely to be conflict inherent in their trying to share that territory. For example, if a statist government run by a fascist dictatorship claims the same territorial jurisdiction as a *social compact* that's committed to operating in accordance with the natural-rights polity, then conflict is inevitable, and the dictatorship is a standing threat of *delict*-perpetration against the *social compact*. So the *social compact* would need to adjust its policies in regard to the shared territory, which might entail outlawing the inimical government within that territory.

Through these nine objections, and through this process of comparing and contrasting historically standard social contract theories with the *social compact* that is a necessary component of the natural-rights polity, it should be evident that the flaws in the social contract are not necessarily flaws in the *social compact*, and reasonable objections to social contract theories do not necessarily impugn the *social compact*. Even so, this compare-and-contrast exercise doesn't sufficiently show how the natural-rights polity resolves these problems, or numerous other impediments to the viability of the natural-rights polity.

If a society gives consent to some *municipal purpose*, where the consent is less than unanimous, then by default, such consent is the basis for a *private contract*, not a *public contract*. In this context, the difference between a *private contract* and a *public contract* is that a *public contract* has consent that is unanimous among the parties to the society / clan / nation, and it thereby creates a lawful *municipal law* that applies only to those parties. But a *private contract* only includes some subset of the society's population, and does not have the general force of law, but only the specific force of law defined by the *private contract*. These distinctions between *public contracts* and *private contracts* are very pertinent to discerning how a bare-bones *social compact* works versus a *social compact* that has more than the bare minimal *public contracts*. The bare minimal *public contracts* are the *jural compact* and the *ecclesiastical compact*. Why these deserve to be viewed as *public contracts* deserves an explanation. — Every *jural compact* has geographical jurisdiction over whatever physical territory it is physically able to reach. This claim is clearly vitiated by practical concerns, including the possible presence of an inimical clan / nation nearby. If a group of people, say ten people, decide to set up a *jural compact* within a territory that's bounded on all sides by statist regimes, it's not necessary for this group of people to have absolute ownership, title, and possession of such territory before exercising *police powers* under the *jural compact*. Geographical jurisdiction is emphatically NOT the same thing as ownership. Because of this fact, such a *jural society* has no lawful power to stop people from immigrating into the territory, unless the immigrants clearly pose a threat, a threat being a *delict*. Also, people other than these ten who live within the territory and who are not party to the *jural compact* naturally have a view of the *jural compact* that says that such *jural compact* is a *private contract* to which they are not party. This view by the outsiders that the *jural compact* is a *private contract* also includes that compact's associated *ecclesiastical compact* and *social compact*, as *private contracts*. But from the perspective of these ten, these compacts to which they are party are *public contracts*. This is because the proscription of *delicts* applies generally. In other words, such proscription has the general force

of law.[1] From the perspective of these ten, non-parties who abide within the given territory are essentially *denizens*, people who have all their natural rights, but who don't participate in these *public contracts*. Even though these are *public contracts* to the ten, and have personal jurisdiction only over the ten, if a non-party, a *denizen* within the territory, perpetrated a *delict*, *prima facie* evidence of the *delict* would be grounds for the *jural society* to take personal jurisdiction over the perpetrator. Because the *jural society* has this kind of potential subject-matter jurisdiction over the entire population within the geographical jurisdiction, because all those people are pre-cognitively party to the Noachian covenant, it makes more sense to view the *jural compact* as a *public contract* than as a *private contract*. Something similar to this can be said about an *ecclesiastical compact* within the same territory.

Although the jurisdiction of an *ecclesiastical society* is limited to whatever jurisdiction is specified in the given contract it is adjudicating at any given point in time, the *ecclesiastical society* offers its *ecclesiastical* courts to the entire population. An *ecclesiastical society* is jurisdictionally barred from taking *in personam* jurisdiction over someone who has never consented to being under its jurisdiction. So an *ecclesiastical compact* appears to be an inherently *private contract*. But the public offer, along with the fact that all the offerees are pre-cognitively party to the Noachian covenant, means that such a contract deserves to be viewed as a *public contract*. — For practical reasons, the geographical jurisdictions of all three of these compacts, the *social*, *jural*, and *ecclesiastical*, might, and perhaps even should, overlap entirely. The *social compact* should also be viewed as a *public contract* because it is necessary to integrate its two subtending *public contracts*, the *jural* and *ecclesiastical*. Within the geographical jurisdiction of a bare-bones *social compact*, people can view these three compacts as *public contracts* or *private contracts*, depending upon participation. But from the perspective of the Noachian covenant, all three should be viewed as *public contracts*, assuming that they are lawful under such covenant. — For a *social compact* to exercise lawful authority in regards to any *municipal police power*, it needs prior,

1 It may be true that *jural* laws have the general force of law while laws arising out of the *ecclesiastical compact* and the *social compact* do not have the general force of law. Under such circumstances, only the *jural compact* is a *public contract*. If these ten people were jurisdictionally astute, they would know this. Even so, assuming they are jurisdictionally astute, assuming their *social compact* is bare-bones, and recognizing that all three compacts are necessary for long-term implementation of the global proscription of other-inflicted damage, it's not necessarily an invitation to jurisdictional dysfunction for them to conceive of the three-fold package as a *public contract*.

unanimous consent from all parties and non-parties whose property is impacted,[1] except that no consent is needed from *delict* perpetrators.

If this bare-bones *social compact* composed of these ten people were to grow, so that most of the people within that territory volunteered and consented to being party, then these compacts would still be *public contracts* to participants and *private contracts* to *denizens*. Contracts between individual people within this territory, meaning contracts that did not attempt to be *jural compacts*, *ecclesiastical compacts*, or *social compacts*, would be purely *private contracts*. Even *private contracts* that attempt to gratify all the myriad *municipal purposes* and *functions* are *private contracts* because they do not include all the people within the territory. Because these other *municipal purposes* and *functions* are not functions of the global covenant, they can make no pretense to being *public contracts* unless every human being who's capable of giving cognitive consent, and who abides within the territory, consents to being party to the given contract. There may indeed be otherwise *private contracts* by which the people in the territory unanimously agree to be guided, thereby converting the contracts from *private* to *public*. Given unanimous consent, such *public contracts* would certainly be lawful, as long as they didn't call for the perpetration of *delicts*. The aggregate subject matters of such unanimous, *public contracts* would also fall naturally within the ambit of the lawful *social compact*. But whenever such unanimous *public contracts* came into existence, they would naturally cause the *social compact* to shift away from being a bare-bones *social compact* into being something else.

The difficulty in attaining unanimous consent about anything points to the need to distinguish two different kinds of lawful *social compacts*. If a group of people came to unanimous agreement about how to form a bare-bones *social compact*, then such a *social compact* would have a *jural compact* and an *ecclesiastical compact*, and the *social compact* would have no other unanimously consensual, *public contracts*, other than these two sub-compacts. In other words, it would have no *public contracts* other than the *jural* and *ecclesiastical* compacts, along with a strictly defined *social compact* that does nothing other than integrate and mediate its two sub-compacts. The governmental activities of such a bare-bones *social compact* would be dominated by the *jural compact* and its exercise of *police powers* pertinent to *delicts* and only to *delicts*. — If a group of people came to unanimous agreement not only about how to form a bare-bones *social compact*, but also about the adoption, enactment, and enforcement of other *municipal laws*, then the *social compact* would not only adjudicate *private contracts* via the *ecclesiastical society*, and not only prosecute *delicts*

1 Of course *municipal purposes* and *functions* might be satisfied through *private contracts*. But being a *public contract*, a *secular social compact* is precluded from administering a *private contract*.

via the *jural society*, but it would also administer and adjudicate these other *public contracts*, these other unanimously adopted *municipal purposes* and *functions*, by way of the broadly defined *ecclesiastical society*. — For reasons that go to the core of describing the natural-rights polity, the distinction between the bare-bones *social compact* and the not-so-bare-bones *social compact* is absolutely crucial.

(iii) Secular & Religious Variants

The way that *municipal purposes*, *functions*, and *laws* have developed over the last several millennia is closely related to religion. Until the *united States* was formed, virtually every society / community / municipality / *social compact* had a single religion that was sanctioned by the society / community / municipality / *social compact*. In other words, prior to the formation of the *united States*, every *social compact* had an established religion or state-sanctioned belief system. Even if the *social compact* was so jurisdictionally dysfunctional that it's *social compact* was barely recognizable, the people in the given society shared beliefs that modern academia generally recognizes as religions. Out of these beliefs, and out of the demands of everyday life, the standard variety of jurisdictionally dysfunctional *municipal laws* developed.

As a result of the commitment made by way of the *united States* Constitution's 1st Amendment, there was an attempt in the *united States* at separating the religious from the secular. The 1st Amendment states,

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof …

Because it was understood that only Congress could create human laws that would operate under the *original jurisdiction* of the general government of the *united States*, the Establishment and Free Exercise clauses of the Constitution meant, literally,

> The general government of the *united States* is hereby prohibited from enacting, promulgating, or enforcing the governmental establishment of any religion, and is hereby likewise proscribed from prohibiting the free exercise of any religion.

When the American States united under the Constitution and Bill of Rights, the framers of those documents intended for the general government to encompass a plurality of Judeo-Christian denominations. This is obvious from an even superficial reading of the 1st Amendment. In the 21st century, it's obvious that the general government must encompass a plurality of religions, and not merely a plurality of Judeo-Christian denominations.

By making this commitment, the general government of the *united States* implicitly committed itself to being a bare-bones *social compact*. — This should be obvious by way of the fact that unanimous cognitive consent to anything is so rare, combined with the fact that no religion (under the normal meaning of that word) exists that could encompass all other religions without inherent rancor. So any government that intends to never establish any religion must necessarily be a bare-bones *social compact* if it also intends to be lawful. Because the American system has been jurisdictionally dysfunctional from the beginning, the general government has failed in its commitment to being a bare-bones *social compact*. By examining the nexus between (i)*municipal laws* and *police powers*, (ii)religion, (iii)the bare-bones *social compact*, and (iv)the not-so-bare-bones *social compact*, it should be possible to discover the core of what's necessary to build lawful governments. These four things are important factors in the construction of lawful human governments. The examination of the nexus between these things should manifest how to build lawful governments from the combination of the two basic compacts and these four factors. This examination should thereby solve the problem of discovering who is responsible for enforcing the *positive-duty clause*, and how they are to enforce it.

Regardless of whether the *social compact* created by way of the Constitution and Bill of Rights is intended to encompass a plurality of denominations or a plurality of religions, such a *social compact* demands special terms that distinguish it from a *social compact* that is intended to encompass only a single religion. In this exposition's nomenclature, a *social compact* that is intended to encompass only a single religion is identified as a *religious social compact*, and a *social compact* that is intended to encompass multiple religions is identified as a *secular social compact*. Because *municipal laws* and *police powers* developed historically under city-states, where each city-state had a single established religion, *municipal laws* and *police powers* fall naturally within the ambit of the *religious social compact*. But *municipal laws* and *police powers* are within the ambit of *religious social compacts* only with massive jurisdictional dysfunction that accompanies the historical failure to include consent prominently among the needs and desires encompassed by *municipal purposes*, *municipal functions*, and religion.

To maximize clarity as this examination proceeds, it's necessary to define terms. According to American law, this is what religion is generally understood to be:

> *religion* — Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense, includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to

> God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. …
>
> As used in constitutional provisions of First Amendment forbidding the "establishment of religion," the term means a particular system of faith and worship recognized and practised by a particular church, sect, or denomination."[1]

It's obvious to anyone who has studied any non-monotheistic religion that this definition is biased. It's not particularly inclusive of these other religions. This bias has existed in American law for practically as long as American law has existed. Any survey of the *u.S.* supreme Court's religion-clause opinions shows that all efforts at correcting this bias have muddled the issue, not clarified it and relieved the bias.[2] To correct this bias in the *de facto* laws, it's necessary to have definitions of *secular* and *religion* that are rationally consistent with the Bible, and it's necessary to avoid relying upon definitions that are not rationally consistent with the Bible, and that exacerbate jurisdictional dysfunction.

According to reliable exponents of Reformed theology, humans are inherently idol factories since being booted out of the garden.[3] Given that this is true, it's impossible for human beings to avoid being religious. Since the fall, humans may be inherently prone to false religion, but a false religion is still a religion. So even secular humanists, atheists, agnostics, and the most hardened materialists are *religious*. All humans worship something, even if whatever any given human worships is something far less than the God who created the natural law.

Common sense demands that all people have value systems. What any given person does at any given point in time is a function of that person's prioritization of all the things that that person could do at that time. Out of all the options, people always choose to do whatever their value system dictates. Every value system has one or more gods and is marked by varying degrees of rationality. One person's god may be eating. Another's may be smoking pot. Another's may be watching TV. Another's may be doing whatever is necessary to honor the God

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1 **Black's 5th**, p. 1161.

2 For example, see Porter, **Theological Inventory of American Jurisprudence**, series of articles on the 1st Amendment, starting with "Introduction & Original Intent". — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_8_0_Am_I_(Intro_-_Orig_Intent).htm.

3 Consistent with a clear lineage of similar thinking going back to the Apostle Paul through Augustine, John Calvin stated that "the human mind is, so to speak, a perpetual forge of idols". — Calvin, John; **Institutes of the Christian Religion**, Book I, Chapter 11, Section 8, translated by Beveridge, Henry. — URL: http://www.ccel.org/ccel/calvin/institutes.html, retrieved 20 June 2016.

of Christianity. Another's, the god of Islam. Another's, the pantheon of gods in Hinduism. Another's, the void in Buddhism. This goes on endlessly. The point is that all people have value systems, and all people worship something. Because these things are all obvious, it's necessary to have a definition of *religion* that reflects these facts. This is especially true given that the Bible's global prescription of human law is clearly intended to encompass all people, and therefore all religions, the same way the *united States* Constitution must encompass all religions. But the legal definition of *religion* is obviously deficient because it doesn't adequately reflect all of these facts. Whatever any given human being values most, over all, is that person's God or gods. Likewise, whatever any given society values most, over all, is that society's God or gods. Whatever belief system exists to support those values is that person's or that society's religion. Here's a definition of religion that is compatible with these facts.

> *religion* — That human being's, or that society's, most valued thing is that human being's, or that society's, God or gods. The belief system and behaviors that purportedly exalt this most valued thing is that human being's, or that society's, *religion*.

It's probably important to make a distinction here between the strongest inclination at any given point in time and one's God or gods.[1] Choices are always driven by strongest inclination at any given point in time, but the existence of sanity assumes the existence of an integrated conceptual system, *i.e.*, belief system, within which such choices occur. It's necessary to assume that such a conceptual system is rationally integrated with a value system, where the given inclination arises out of the value system. Whatever is the highest value overall, not merely at a given moment but within the given belief / value system, is the God or gods of this integrated system of concepts and values.

Given that American government has been intended from the founding era to encompass people from all kinds of different *religious* backgrounds, the compacts that constitute such a government need to be written broadly enough to encompass all kinds of different people. It's providential that the Noachian covenant inherently encompasses all people. The Noachian covenant's prescription of human law is the only prescription of human law that comes out of the Judeo-Christian Scriptures that has this global *in personam* jurisdiction. Some people may claim that imposing human laws on everyone, where the human laws are based on the Noachian covenant, constitutes the imposition of Judeo-Christianity on the mass of people who are not Judeo-Christian. But the subject matter of the human law prescribed in Genesis

1 See Chapter 5, Section (i), Sub-Section (3), "'Theological Determinism', 'Free Will', and 'Compatibilism'", above.

9:6 is *delicts* and contract violations, and only *delicts* and contract violations. So the claim that this prescription of human law is a violation of the religion clauses of the 1st Amendment is inherently bogus, unless the people making such claims are defending the perpetration of *delicts* or the violation of contracts as part of their *religion*. If people defend *delicts* and contract violations based on their *religion*, then their *religion* is inherently criminal, and deserves to be treated as such. Every *religion* that eschews *delicts* and contract violations is compatible with this global prescription of human law. — For people who insist that this global proscription of *delicts* and contract violations is inherently *religious*, it's necessary to admit that this global proscription can be construed as a *religion*. If understood within that context, it's necessary to contend that this global proscription of *delicts* and contract violations is the only lawful *secular religion*. Even so, traditional religions that refuse to acknowledge that this *secular religion* is lawful are inherently prone to *delict* perpetration. But generally such rogue religions should not be held accountable under the *secular religion* except when their rogue beliefs turn into rogue actions and genuine threats.

Even though jurisdictional dysfunction has marked societies / cities / states / *social compacts* / nations since primordia, biblical jurisprudence demands that whatever element of jurisdictional sanity may exist within such entities needs to be recognized and acknowledged, for the sake of bringing such sanity into the foreground so that people can live by it. This is because biblical jurisprudence is about honoring covenants. So to whatever extent a *social compact* is consistent with biblical jurisprudence, as presented by this **exegesis**, that compact needs to be honored. Based on these claims about biblical jurisprudence, it's reasonable to claim that for all these millennia, jurisdictional sanity has been gestating within all of these jurisdictionally dysfunctional *social compacts*, waiting to be brought into the foreground of every person's consciousness. Given that this is true, it's possible to start marking the two basic varieties of *social compacts* with their respective labels, even as such *social compacts* have existed in history.

If a group of people come to unanimous agreement not only about how to form a bare-bones *social compact*, but also about the adoption, enactment, and enforcement of other *municipal* and *religious* laws by way of *public contracts*, then this exposition calls such a *social compact* a *religious social compact*. A *religious social compact* will not only adjudicate *private contracts* via its *ecclesiastical society*, and not only prosecute *delicts* via its *jural society*, but it will also administer other *public contracts* and adjudicate other unanimously adopted *municipal* and *religious* laws via its broadly defined *ecclesiastical society*. Even though this is a fairly clear description of a *religious social compact*, the ramifications of such distinctions is probably best understood in

contrast to a *secular social compact*. To properly define a *secular social compact*, it's necessary to first define *secular*. But before defining *secular*, it's important to first bring one other thing into the foreground.

In the last paragraph of the "*Social Compact*" section above, this exposition made the following statement: "If a group of people came to unanimous agreement not only about how to form a bare-bones *social compact*, but also about the adoption, enactment, and enforcement of other *municipal laws*, then the *social compact* would not only adjudicate *private contracts* via the *ecclesiastical society*, and not only prosecute *delicts* via the *jural society*, but it would also administer and adjudicate these other *public contracts*, these other unanimously adopted *municipal purposes* and *functions*, by way of the broadly defined *ecclesiastical society*." Now this exposition is enhancing this statement by speaking not only of the adoption, enactment, and enforcement of *municipal laws*, but also of the adoption, enactment, and enforcement of *religious* laws. Before moving on, it's important to articulate a reasonable explanation for this enhancement. — If a person or group of people have a belief system that esteems *municipal purposes* and *functions* as valuable, and therefore worthy of being converted into *municipal laws*, then such person or group of people include such *purposes* and *functions* as subsets of an encompassing belief system. In this exposition's nomenclature, that belief system is their *religion*. So it's obvious that *municipal laws*, *purposes*, and *functions* are included within the definition of *religion*. So what was said at the end of the last section is still true when the same *social compact* is identified as a *religious social compact*. A *religious social compact* not only adjudicates *private contracts* via its *ecclesiastical society*, and prosecutes *delicts* via its *jural society*, but it also enforces *religious* laws, which includes *municipal laws*.[1] This is in contrast

1 From some perspectives, the most preponderant variety of *religious social compact* in 21st century America is not based on a religion in the conventional sense of the word, but is the large, often international, corporation. Each of these corporations has a specific product line that it vends to the world. The people who work for such corporations necessarily give unanimous consent to abide by the corporate by-laws. Such by-laws would be equivalent to *municipal laws* if such corporations were municipalities or states. Especially among publicly traded corporations in America, these corporations are based on belief systems whose god or gods are the pursuit of money and power through the vending of their product line. So the corporate by-laws could be considered to be subsets of their encompassing belief system / *religion*. So under such a view, they would be a special variety of jurisdictionally dysfunctional *religious social compact*. But such corporations are not really *religious social compacts*, because they don't meaningfully have *jural* and *ecclesiastical* compacts. These corporations are really nothing more than another breed of *private contract*. But these days, they are so tied to corrupt government that every publicly traded corporation in America needs to be suspected of being based on an illegal contract.

to a bare-bones *social compact* that by definition encompasses a *jural compact*, an *ecclesiastical compact*, and no other *public contract*.

Now that *religion* is defined so that it doesn't generate conflicts with the biblical prescription of global human law, it's necessary to understand *religion* in contrast to its alternative. In American jurisprudence, *religious* and *secular* are generally understood to be opposites, as implied in this legal definition:

> *secular* — Not spiritual; not ecclesiastical; relating to affairs of the present (temporal) world.[1]

This definition of *secular* may indeed be the opposite of the above legal definition of *religion*. But it is not the opposite to this exposition's definition of *religion*. That's because, according to this exposition's definition of *religion*, there is no such thing as "Not spiritual". Everything that is cognizable by humans is "spiritual". That doesn't mean that it's holy. In fact, most things that enter into human consciousness are not holy. Most things that enter into human consciousness, especially in 21st century America, are both "affairs of the present (temporal) world", and all kinds of other, spiritually un-holy stuff as well. So this legal definition of *secular* is inherently biased. In addition to this bias, the standard legal definition of "ecclesiastical", as it implicitly appears in this definition, does not coincide well with this exposition's definition of *ecclesiastical*. So this definition of *secular* is thoroughly inadequate for the purpose of expounding the biblical prescription of human law.

In regards to bias built into the American legal system, it's common knowledge that the American legal system was originally based on English common law. During the founding era, England had a state religion. If the bias that was built into England's laws by way of its state religion got into the American legal system via America's adoption of the English common law, and if such bias continues to exist in the American legal system now, then it appears that this religious bias is inappropriate in a legal system that claims to be pluralistic. The extent of this bias is hinted at by the above legal definition of *secular*. The common law's religious bias in favor of the English state religion is still a source of a lot of jurisdictional dysfunction. This is especially evident when one considers the claim that England's *de facto* state religion has long been statism, not Anglicanism.[2]

To meet the jurisdictional demands of the biblical prescription of global human law, it's necessary to define *secular* to mean an encompassing of all *religions* without

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1 **Black's 5th**, p. 1214.

2 If it's true that England's *de facto* state religion is statism, then it's also true that Anglicanism has generally been used by English power brokers to disguise their statism, since the Restoration in 1660.

favoring any. Rather than attempt to eliminate religion, the way the *de facto* definition of *secular* does, the *de jure* definition of *secular* encompasses all *religions*. Even a superficial study of American history makes it obvious that the *framers* did not intend for the *united States* to be *secular* in the legal sense, meaning "Not spiritual", *etc.* Instead, it was clearly intended to encompass all Judeo-Christian denominations. But the nature of the global covenant makes it unavoidably obvious that if the American compact is to be *de jure*, it must have the capacity to encompass people from all *religions*, and not merely people from any Judeo-Christian denomination. So the following alternative definition should suffice for these purposes:

> *secular* — The word *secular* indicates an encompassing of all *religions*.[1] — This is a necessary corollary to the claim that the bare-bones, *secular social compact* must have *jural* and *ecclesiastical* sub-compacts that do not play favorites in any way.

So a *secular social compact* is not only interdenominational. It must by definition be inter-*religious*. It's primary characteristic is that it has *jural* and *ecclesiastical* compacts and societies while having no *religious* laws, which necessarily includes an absence of *municipal law*. A *secular social compact* is therefore a bare-bones *social compact*.

As a sidebar, it's important to explain this exposition's use of the expressions, *de jure* and *de facto*.

> *de jure* — Descriptive of a condition in which there has been total compliance with all requirements of law. Of right; legitimate; lawful; by right and just title. In this sense it is the contrary of *de facto* (*q.v.*).[2]

De jure is often used to describe a government that has been driven into exile by what is considered to be an unlawful government. For example, the Allies during World War II considered de Gaulle's Free French Forces to be the *de jure* government of France, while they considered the *de facto*, Vichy government to be unlawful.

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1 The English "secular" originates from the Latin *saeculum* / *saecularis*, whose meanings are intimately bound to ages, times, temporality, chronology, years, *etc.* It may seem a gross distortion of the word's origin to use it here to encompass a multiplicity of belief systems. However, given that globally prescribed human law was not part of the garden habitat (because global human law was not prescribed until the Noachian covenant), global human law and government characterize a specific chronological subset of the out-of-the-garden habitat, namely the ***law-enforcement epoch***. So the foundations of human government are intimately bound to the global nature of these globally prescribed human laws. *Secular* is therefore still inseparable from chronology, in contradistinction to the Church of Jesus Christ, which is ultimately eternal.

2 **Black's 5th**, p. 382.

> *de facto* — In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs, which must be accepted for all practical purposes, but is illegal or illegitimate. … In this sense it is the contrary of *de jure*, which means rightful, legitimate, just, or constitutional.[1]

As is clear by these legal definitions, the *de facto-de jure* dichotomy does not necessarily refer to the split between a displaced government and the government that displaced it. In keeping with these facts, this exposition is expounding *de jure* human law, in contrast to the *de facto* human law that continues to plague humanity with jurisdictional dysfunction.

Given this exposition's customized definitions of *religious* and *secular*, it's fairly obvious how a *religious social compact* and a *secular social compact* differ. A *religious social compact* is most easily defined in contradistinction to a *secular social compact*. A *secular social compact* is by definition *secular*, meaning that it is intended to encompass, or presumes to encompass, multiple *religions*, without favoring any. — The only exception to this claim is that the *secular religion*, meaning the global proscription of other-initiated damage, encompasses all other *religions*. This disclaimer is a necessary concession to anyone who insists that the global proscription is inherently *religious*.

In contrast to the minimal lawful *police powers* of a *secular social compact*, a fully developed *religious social compact* might have maximal lawful *police powers*. In a fully developed *religious social compact*, all parties might give prior consent to the full gamut of *police powers*. In other words, every adult with capacity enters into a contract with the other people in the community, where the contract allows the community at large to punish people for violations of the *religion*'s moral code, including whatever *municipal laws* may be a part of their *social compact* as *public contracts*. *Religions* can govern practically everything within the moral sphere – including sexual practices; whether hybridization of crops and livestock is allowed; education; treatment of the dead; building construction; dress codes; personal hygiene; hairstyles; feasts, sabbaths, and holy days; liturgy; on-and-on, almost endlessly, and inclusive of *municipal purposes* and *functions*. If an adult in his or her right mind enters such a *religious social compact* voluntarily, then it's reasonable that the *religion* would provide penalties for such people when such people fail to keep the terms of the compact. If the *religious social compact* were fully functional then it would be assumed by anyone who volunteered to participate in the *compact*, that if such person violated the *compact*'s terms, a designated enforcer of the *religion*'s *public contract* would be authorized to bring a legal action against the offender in the *ecclesiastical* court. The more all-encompassing the terms established in the *religious*

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1 **Black's 5th**, p. 375.

social compact, the broader the subject-matter jurisdiction enforced by the *religious social compact*'s *police powers*.

In contrast to a *secular social compact*, a *religious social compact*, by definition, is a *social compact* that is intended to encompass only a single *religion*. *Religion* designates any belief system, including any of the normally recognized religions, and any philosophy, including secular humanism, atheism, agnosticism, the "occult", *etc.* A *secular social compact* presumes to encompass all faiths within a single umbrella compact. It does this by rendering justice under the Bible's global prescription of human law to all people who exist under the *in personam* jurisdiction of the global covenant, and who happen to also be under the *in personam* jurisdiction of the *secular social compact*. A *secular social compact*, such as the jurisdictionally dysfunctional general government of the *united States*, can presume to encompass numerous *religious social compacts*, as well as numerous other *secular social compacts* like those that form the jurisdictionally dysfunctional States. A *secular social compact* is primarily *jural*. This is because the most obvious kind of Genesis 9:6 damage is *delicts*; *delicts* are the exclusive subject-matter jurisdiction of *jural compacts*; and the *secular social compact*'s subject-matter jurisdiction over Genesis 9:6 damage deriving from contract breaches is limited to its *ecclesiastical society*'s subject-matter jurisdiction over *secular*, *private contracts*, which means that the subject matter of the *secular ecclesiastical compact* is much more limited than if it also included jurisdiction over *public contracts*.[1]

According to this exposition's interpretation of the Bible, all lawful *social compacts* must have both *jural* and *ecclesiastical* sub-compacts and societies. But one set of these sub-compacts / sub-societies preponderates according to whether the *social compact* is *secular* or *religious*. — If it is *secular*, then common sense demands that it is primarily *jural*. The primary *ecclesiastical* functions of a *secular social compact* are the adjudication of *secular*, inter-*religious*, *private contract* disputes. This means that it has almost zero *public contracts* available for adjudication.[2] — If the *social compact*

1 The exception to this extreme limitation on the *secular ecclesiastical society*'s subject-matter jurisdiction is some of the *secular social compact*'s "political law", which exist as terms immediately under the *social compact*, and are therefore terms of a *public contract*. For more about this exception, see Porter, **Theodicy**, Part II, Chapter G, Sub-Chapter 4, Section *b*, "*Political Laws & Denizens*". Another exception may be certain kinds of *international law*. — URL: http://BasicJurisdictionalPrinciples.net.

2 The exception to "zero" is the existence of some "political law" that is encompassed immediately by the *social compact*. Regarding this exception, see Porter, **Theodicy**, Part II, Chapter G, Sub-Chapter 4: Section *b*, "*Political Laws & Denizens*"; Section *c*, "*How a Stand-Alone Secular Social Compact Might Arise*"; and Section *e*, "*Confederation of Secular Social Compacts*". Certain kinds of *international law* may be another exception. — URL: http://BasicJurisdictionalPrinciples.net.

is *religious*, then common sense demands that it is primarily *ecclesiastical*. This is because a *religious social compact* administers *religious* laws, including *municipal laws*, that a *secular social compact* doesn't, and the lawful and methodical adjudication and enforcement of such *religious* / *municipal* laws must be by way of *ecclesiastical* courts. So a *religious social compact* must adjudicate not only *private*, intra-*religious contracts*, but also *public*, intra-*religious*, *religious* / *municipal contracts*.[1] — There need be no inherent distinction between a *religious social compact*'s *jural society* and a *secular social compact*'s *jural society*, because the subject-matter jurisdiction in each kind of *jural society* is exactly the same. The differences between *secular* and *religious jural compacts* pertain only to differences in geographical jurisdiction and personal jurisdiction, not to differences in subject-matter jurisdiction.

Although the definition of *municipal law* that appears above is correct, it is a truncated definition. It appears truncated above for the sake of focusing on the subject matter of that definition. The following is the full definition from a legal dictionary:

> *municipal law* — That which pertains solely to the citizens and inhabitants of a state, and is thus distinguished from political law, commercial law, and international law.[2]

In order for this explanation of how to build lawful human governments to be complete, it needs to encompass not only *municipal laws* and *religious* laws, but also "political law, commercial law, and international law". It needs to show how all of these kinds of laws interface with one another and with the biblical prescription of human law. — Any human government proposed by anyone, that doesn't propose reasonable mechanisms for addressing *municipal laws*, *purposes*, *functions*, and *police powers*, as well as *religious* law, "political law, commercial law, and international law", is inherently frivolous. This exposition holds that the Bible's prescription of human law is not frivolous, and neither is the human government that it implicitly proposes. — To show how the Genesis 3:15 prophecy relates to humanity's aggregate dominion, it's necessary to show how the biblical prescription of human law encompasses "political law, commercial law, and international law", as well as these other kinds of laws, purposes, functions, powers, *etc.* Before getting to other laws, purposes, functions, *etc.*, it's necessary to focus more explicitly on *religious* law. The way that

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1 Reminder: According to this exposition's nomenclature, a *public contract* is a contract that has *in personam* jurisdiction over the entire population governed by a *social compact*, by way of unanimous consent of all those party to that *social compact*. In contrast, a *private contract* is a contract that has *in personam* jurisdiction only over a subset of the *social compact*'s population.

2 **Black's 5th**, p. 918.

religion is defined herein, *religious* law is far more rudimentary than any of these other kinds of law. Given that *religion* is a belief system held by one person or shared by a group of people, and that *religion* necessarily includes whatever rituals, acts, behaviors, *etc.*, are necessary to putting the belief system into action, *religious* law is merely human law that derives from some belief system. But in regards to a *religious social compact*, it is a belief system that's shared by those party to the compact, and that manifests itself as public laws, *i.e.*, as terms of *public contracts*, meaning contracts that are unanimously consensual within the jurisdiction of the *religious social compact*.

Because the *religious* law that's expounded by the Bible is an aspect of Bible-based Christianity, where such *religious* laws are applicable within Christian *social compacts*, it's reasonable that this exposition would use the Christian *religion* as an example of such *religious* law, as is done below. But before that, it's necessary to address a possible objection, an objection that would preempt this whole explanation of Bible-based human law if the objection were based on truth and logic.

(1) An Objection from Face-Value Interpreters:

In the New Testament, the Apostle Paul says the following to people who are presumably members of the Christian Church at large:

> Do not be bound together with unbelievers; for what partnership have righteousness and lawlessness, or what fellowship has light with darkness? Or what harmony has Christ with Belial, or what has a believer in common with an unbeliever? … "[C]ome out of their midst and be separate," says the Lord. "And do not touch what is unclean"
>
> 2 Corinthians 6:14-17 (**NASB**)

Taken at face value and without regard to the God-given inclination to seek rational symmetry, this passage clearly indicates that Bible-believing Christians should avoid entering into contracts with non-Christians. If Christians are forbidden from entering into contracts with non-Christians, then this presents a huge obstacle to this whole contract-based exposition of human law. With this kind of proscription, presumably by the Bible, Christians cannot participate even in a *secular social compact* if they take their book seriously. Either there is something wrong with this face-value reading of 2 Corinthians 6, or there is something wrong with this exposition's unpacking of the Bible. There appears to be a conundrum. The claim that Christians should avoid contracts with unbelievers (should "not be bound together with unbelievers"), and the claim that Christians must enter into *secular social compacts* with unbelievers, cannot both be true simultaneously.

To clarify: This exposition has claimed that there is something it calls a "*secular social compact*". It simultaneously claims that not just Christians, but all people, are obligated by pre-cognitive consent to participate in lawful *jural compacts* with people regardless of whatever else those other people may believe. This claim about *jural compacts* appears to be contradicted directly by this didactic passage from 2 Corinthians 6, which appears to forbid Christians from entering into contracts with unbelievers. But because the *jural compact* is likely to exist as a sub-compact of an over-arching *social compact*, this claim about the global *in personam* jurisdiction of the *positive-duty clause* does not necessarily conflict with this didactic passage. Whether it conflicts or not depends upon whether the *social compact* at issue is *secular* or *religious*. If the *social compact* is *religious* and the *religion* is Christianity, then the *jural compact* subtends a Christian *religious social compact*, so that the people with whom the Christian enters into the *jural compact* are also Christian. So there is no conflict in that case. But if the *social compact* is *secular*, and if the Christian is obligated by the global covenant to enter into such a *secular social compact*, then there appears to be a genuine conflict between Genesis 9 and 2 Corinthians 6. So this exposition's legal analysis poses a possible conflict with 2 Corinthians 6:14-17 in the case of a *secular social compact*, but not in the case of a *religious social compact*.

If a face-value reading of 2 Corinthians 6 says plainly that Christians should not enter into contracts with non-Christians, and if this exposition says plainly that all people, including Christians, are obligated to enter into *secular social compacts* because all people are obligated to participate in *jural compacts*, then there's a conflict, and something must give. The conflict is resolved by looking more closely at the subject matter of 2 Corinthians 6. The Apostle is not speaking there about *delicts*. In fact the Apostle Paul was operating under the rubric of the Messiah's First Coming.[1] The First Coming was the appearance of the Messiah as "suffering servant". The emphasis of the First Coming was not on the protection of natural rights. The emphasis of the First Coming was on saving people, meaning incorporating living souls into the invisible Church as a precursor to the Second Coming. The emphasis of the First Coming was on marking the path to redemption of the human race from its fallen condition. This necessarily includes encouraging respect for the natural law, recognition of God's holiness, and recognition of God's grace in light of the human inability to abide by the natural law. Recognition of God's holiness, the natural law, and God's grace relative to the natural law, are prerequisites to genuinely caring about the *imago Dei* in other people. If one doesn't care about God, how can one care about the image of God in other people? So respect for all three legs of the

1 See Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 10, "New Covenant Portals". — URL: http://BasicJurisdictionalPrinciples.net.

natural-law tripod, recognition that God created the natural law, and recognition of God's overwhelming grace towards humanity, are motivational precursors to entering into compacts to protect the *imago Dei*. Appended to all the glorious things accomplished by the First Coming is this seemingly coincidental effect of satisfying the prerequisite to the global establishment of the biblical prescription of human law. Under the rubric of the First Coming, neither the Messiah nor Paul was focused on human law. They were focused on far more important and fundamental things that happen to be prerequisites to fulfilling the Genesis 3:15 prophecy with respect to human law. In other words, the First Coming's nexus with the prescription of global human law is that it supplies the motivation to people to enter into these human-law compacts. Such motivation is an integral part of the God-given desire to build the kingdom of God.

If one does not have the heart to abide by a covenant, then the duties of that covenant will appear odious. But if one has a heart for the covenant, then the duties become a joy. So Paul's emphasis in operating under the rubric of the First Coming was on manifesting God's grace so that people would voluntarily and gladly enter the Christian covenant, an appendage of which is the global covenant. The compacts regarding the protection of the *imago Dei* are subsets of this larger covenant. Paul was clearly encouraging the Corinthians to avoid binding themselves contractually to people who would pour cold water on their passion for God's holy covenant. He knew the people were not prepared to make a serious effort at extending the moral-law leg of the natural law into human law with all the jurisdictional ramifications of that extension. Some people claim the extension of Christianity into the human-law arena must wait for the Second Coming. But as long as the Messiah tarries, his people are obligated under the covenant, and under the moral-law leg of the natural law, to do what is morally sound. So as long as the Messiah tarries, and as long as the rational extension of the moral-law leg into the human-law arena is jurisdictionally correct, his people are obligated to go forward with that extension. Paul didn't have these human-law problems. Now, Paul's spiritual progeny do have these problems. Because the global covenant is an appendage of the Christian covenant that happens to have been on the back burner during the First Coming, it's extremely unlikely that Paul was proscribing Christians from entering into *secular social compacts* with non-Christians. But his proscription in regards to being bound together with unbelievers is absolutely a warning about the dangers of entering into other kinds of contractual ties with non-Christians.

By comprehending 2 Corinthians 6 in its proper context, it's clear that there is no rational conflict between it and this exposition of the Bible's prescription of human law. All Christians are called to enter into *secular social compacts* with non-

Christians, even if the non-Christians are the kinds of idolaters referenced by Paul. Paul surely did not expect his biblically ignorant, first-century audience to have any contradictory answers to his rhetorical questions: What partnership has righteousness and lawlessness? What fellowship has light with darkness? What harmony has Christ with Belial? What has a believer in common with an unbeliever? What agreement has the temple of God with idols? — The obvious answer to each of these rhetorical questions is "None.", or at least, "Practically none." That was certainly the right answer at that time, and given the same context, it's the right answer now. The first-century Church had virtually no immediate hope of correcting the flaws in the Roman Empire, or the flaws in any other human government then extant. In contrast, 21st-century Christians must extend the moral law into the human-law arena, or risk standing accused at the Judgment of sitting idle and silent, and thereby giving tacit consent, while psychopaths gang rape Christ's bride. — As long as idol worshipers are capable of knowing a *delict* when they see one, and of knowing that it's wrong, Christians are obligated under their covenant to enter into *secular social compacts* with them, with strict observance of the jurisdictional boundaries of such compact. Strict observance of the jurisdictional boundaries of the biblical covenants leads inevitably to this conclusion, with all due strict observance of the priorities of the First Coming.

Strict observance of the jurisdictional boundaries of the biblical covenants also leads inevitably to the conclusion that Christians are obligated under their covenant to enter into *religious social compacts* with one another. Where *secular social compacts* are as all-inclusive as they can get, Christian *religious social compacts* are exclusive. This presents the Christian with a problem: How can the Christian be party to both a *secular social compact* and a *religious social compact*? Answer: Through confederation. Before discussing confederation, it's important to make sure the *subject-matte*r jurisdiction of the *religious social compact* is sufficiently explored.

(2) Religious Law / Municipal Law:

To explore how the typical, lawful *religious social compact* operates, and to thereby expound its jurisdictional parameters, this exposition will use a hypothetical Christian community as an example. This *religious* community could as easily be Jewish, Islamic, Hindu, Buddhist, animist, or any other *religion* one may choose. This *religious* community has entered into a set of unanimously consensual contracts with one another, where this set of contracts defines what this community will do to honor the God of their shared *religion*. This Christian community's members contract with one another to set aside one day a week as a day of rest. They contract with one another to follow a certain set of *religious* doctrines. They contract with one another to follow a certain kind of liturgy. They contract with one another to

share the ownership and upkeep expenses of their meetinghouse. They might even enter into a *real property covenant* so that some or all of the people in the community could live as a *religious* community on a contiguous piece of land. Under this regimen, what are typically understood to be *municipal laws* are included within the same *social compact* with human laws that are usually understood to be *religious*. So this hypothetical community might have unanimously consensual laws governing water treatment, sewage treatment, animal husbandry, zoning, street maintenance, internet connectivity, community education, and numerous other things that are typically understood to be *municipal laws*.

Even if this church community did all these things, including taking care of the community's widows, orphans, and indigents, there would still be one extremely important aspect of this community that would be missing. It's the same thing that's missing from all the Christian churches in America right now. — Given that a *religious social compact* contains a subtending *jural compact*, it's reasonable that the people who are active in the *jural compact* would be armed for the sake of satisfying Genesis 9:6. Even though armed, they might prefer to take the perpetrator of a heinous *delict* into custody to hand him over to agents of a *jural compact* that subtends a *secular social compact* that encompasses the given *religious social compact*. These days the jurisdictionally dysfunctional *religious social compacts* in America generally do not have subtending *jural compacts*. This means that one of the essential things that *religious social compacts* need to do is form subtending *jural societies*. One of the most important things that such *jural societies* need to do these days is protect their *religious social compact* against jurisdictional violations perpetrated under *color of law* by the existing jurisdictionally dysfunctional governments.

In a *religious social compact* like this, the *jural* sub-compact exists to defend the community against the perpetration of *delicts*. Regardless of whether the *delict* is perpetrated from inside or outside the territorial jurisdiction of the *social compact*, and regardless of whether it's a *public* or *private delict*, the *jural* sub-compact exists to execute justice against the perpetrator. This clearly means that such a *jural society* needs to be able to defend the society at large against *delicts* perpetrated under *color of law* by the *de facto* rogue government. This means that the *jural society* needs to be steeped in knowledge about the difference between *de jure* law and *de facto* law, so that it knows when and how to defend. So this study of this particular topic is a lawful sub-function of the *jural compact*.

In a *religious social compact* like this, the *ecclesiastical* sub-compact exists to execute justice with regard to contract disputes. This includes contract disputes in regards to both *public* and *private contracts*. As indicated above, *public contracts* are contracts that have the unanimous consent to the terms of the contract within the

given *social compact*. The terms of *public contracts* include both what this exposition is calling *municipal laws*, and what this exposition is calling *religious* laws.[1] Such *public contracts* also include "political laws" that govern the internal politics of the *religious* community. Such *public contracts* might also include "international law", depending on the nature of the specific *international law*.[2] — The *religious social compact*'s *ecclesiastical* sub-compact also exists to execute justice in *private contract* disputes. As indicated above, a *private contract* by definition has personal jurisdiction over some incomplete subset of the *social compact*'s population, meaning that the contract lacks unanimous consent of the entire population. A *private contract* between members of the *religious social compact* would naturally have contract disputes adjudicated under the *religious social compact*'s *ecclesiastical* sub-compact. Many of these *private contracts* would probably be contracts whose terms are "commercial law" adopted by the parties to govern their intra-*religious* commercial dealings. If this *religious social compact* were bold enough to consider itself a nation, then any commercial contracts it had with entities outside the *social compact* would be treated first as *international law*, and secondarily as *commercial law*. This is because such agreements generally have a greater potential to disrupt the *social compact* than a mere internal commercial contract.

Before this focus on the *religious social compact* is considered complete, it's important to compare and contrast the lawful *religious social compact* with two other kinds of perpetually existing contracts, the *municipality* and the corporation. This is because these other kinds of perpetual contracts may be confused with the *religious social compact*. — From some perspectives, the most dominant variety of *religious social compact* in 21st century America is not based on a *religion* in the conventional sense of the word. From this perspective, the most dominant kind of *religious social compact* is the large, often international corporation. Each of these corporations has a specific product line that it vends to the world. The people who work for such corporations necessarily give unanimous consent to abide by the corporate by-laws. If such mega-corporations were municipalities or states, then their corporate by-laws would be equivalent to *municipal laws*. But their territorial jurisdiction is more ambiguous and diverse than municipalities and states. It's also evident that they don't have *jural* and *ecclesiastical* sub-compacts as they would exist in a lawful *social compact*. These corporations are based on belief systems whose god or gods are

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1 "Municipal law" is being used here in a way that is not the same as the term of art used in the field of *international law*.

2 Regarding *political law*, *international law*, and *commercial law*, see Porter, **Theodicy**, Chapter G, Sub-Chapter 4, "*The Metaconstitution*". — URL: http://BasicJurisdictionalPrinciples.net.

the pursuit of money and power through the vending of their product line.[1] So the corporate by-laws are subsets of their encompassing belief system / *religion*. From this perspective, these corporations might be considered to form a special category of jurisdictionally dysfunctional *religious social compact*. They are jurisdictionally dysfunctional not because they are focused exclusively on the pursuit of money and power, although they might rightly be judged immoral on that basis. They are jurisdictionally dysfunctional because they don't have *jural compacts* that are dedicated to prosecuting *delicts* regardless of whether the *delicts* originate internally or externally. These corporations exist within a hideously corrupt economic environment that is corrupt primarily because of the moral spinelessness of the people involved in it, but also because of the general society's gross jurisdictional dysfunction that is enhanced by the IRC § 501 church's inane theologies. In fact, the 501(c)(3) corporate, "Christian" "churches" generally operate with belief systems and practices more akin to their publicly traded cousins than to those of real Christian churches. If these presumably *religious social compacts* / corporations encompassed genuinely functional *jural societies*, then the *jural society* would systematically root out the corruption starting from the inside, prosecuting everyone responsible for it. — On the other hand, these large corporations are not really *religious social compacts*. They are really *private contracts* that are criminal under *de jure* law because of the way that they siphon tax monies and public privileges within the *de facto* system, among other things.

The way that cities and States have developed in the *de facto united States*, they are all jurisdictionally dysfunctional. According to the *de facto* law, they all have *municipal police powers* that are legitimate. According to the *de facto* law, they are all *religiously* pluralistic, but they have non-consensual *police powers*. The situation is such that anyone who moves into a city or State, or who happens to have been born in a given city or State, is considered by the *de facto* law to have given tacit consent to abide by all the city / State's *municipal laws*. But this assumption of tacit consent is a ruse. People who are fully aware of all the city / State's *municipal laws* are extremely rare. Without awareness of such laws, tacit consent doesn't exist, because the parties are not fully informed. Because consent is lacking, no contract exists. So when

1 This characterization of such corporations as being based on belief systems whose gods are money and power is not necessarily true. However, under *de facto* American law, publicly traded corporations are prone to put a premium on making a profit. This is conducive to monopoly capitalism, which is driven by greed and the lust for power, and is a perversion of free market capitalism, which is based on *delict*-free trade. The *de facto* laws also give preferential treatment to such corporations over the interests of private people. The law therefore gears such corporations to be corrupt, even if they start out otherwise.

such *municipal laws* are enforced, the city / State perpetrates *delicts* under *color of law* on people over whom the city / State lacks lawful jurisdiction. Because these cities / States generally have massive *municipal police powers*, they in effect operate under the tacit assumption that they are lawful *religious social compacts*. But because their presumed *in personam* jurisdiction is over a pluralistic population that has not given genuine consent, these cities / States are jurisdictionally dysfunctional *secular social compacts*, at best.[1] To whatever extent the general government of the *united States* enforces *municipal laws* – and make no mistake, the extent is huge – it likewise perpetrates *delicts* under *color of law*. So according to the biblical prescription of human law, the *de facto* American government at all levels is criminal. This statement of this fact should not be misidentified as a call by this exposition for immediate execution of *lex talionis* justice against government officials and employees. The government is criminal because people allow it. People allow it because people are generally so ignorant that they don't know jurisprudential truth when they see it. They don't even know where to start in correcting the problem. So the problem is primarily educational. Many government officials and employees are as much in the dark as their victims, and they're so compartmentalized that they don't understand the ramifications of what they do. The solution to this situation is the formation of Christian *jural societies*, appendages to the existing jurisdictionally dysfunctional *religious social compacts*, with accompanying educational programs that focus on educating all Christians about their responsibilities under the *positive-duty clause*.

Lamentably, activation of Christian *jural societies* by existing *religious social compacts* would not be sufficient to reverse the existing jurisdictional dysfunction in America's "Christian" communities. It would certainly be a major step in the right direction. But these *religious social compacts* also generally lack functional *ecclesiastical compacts* / *societies*. The lack of the human-law sub-compacts is a problem that was addressed with pristine clarity by the Apostle Paul:

> Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous, and not before the saints? Or do you not know that the saints will judge the world? And if the world is judged by you, are you not competent *to constitute* the smallest law courts? Do you not know that we shall judge angels? How much more, matters of this life? If then you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church? I say *this* to your shame. *Is it* so, *that* there is not among you one wise man who will be able to decide between

1 This is because they could much more easily turn into *lawful secular social compacts* than they could *religious social compacts*, due to the rarity of unanimous consent.

> his brethren, but brother goes to law with brother, and that before unbelievers? Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded? On the contrary, you yourselves wrong and defraud, and that *your* brethren. Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals, nor thieves, nor *the* covetous, nor drunkards, nor revilers, nor swindlers, shall inherit the kingdom of God. And such were some of you; but you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus Christ, and in the Spirit of our God.
>
> (1 Corinthians 6:1-11 — **NASB**)

Here is clear motivation for establishing Christian *ecclesiastical* courts, and for establishing Christian *jural societies*, and for moving steadfastly towards jurisdictional sanity. If Christian churches continue to neglect their duty to form Christian *jural societies* and Christian *ecclesiastical societies*, then they will be incapable of operating as genuine Christian *religious social compacts*. They will continue to be incapable of enforcing against *delicts*, meaning that they continue repudiating the Bible's global prescription of human law. They will continue being incapable of properly enforcing their own Bible-derived religious laws, which means that by default, they cease being genuine Christian churches. They will be incapable of properly enforcing *religious* laws that are characterized by current American law as *municipal laws*, which means that they will continue failing to operate as real Christian communities because they cannot band together on a single contiguous piece of land divided up into family plots, and operating with all the necessary *municipal laws*. All of these failures are indictments against the American Church that come directly out of a rational reading of the Bible.

It's crucial to recognize here that *de jure municipal laws* are necessarily a subset of *religious* laws. This is true regardless of whether the *religious social compact* is Christian or some other *religion*.

(3) Continuum / Confederation:

It should be clear enough by now that there is a continuum between *secular* and *religious social compacts*. A *secular social compact* has zero *religious / municipal* laws under its immediate jurisdiction. In contrast, a tightly controlled *religious social compact* might have unanimously consensual *religious* laws so abundantly that it might look almost totalitarian to an outside observer. In language more commonly used in the *de facto* legal community, a *secular social compact* has "strictly

limited powers", while a *religious social compact* is capable of having "plenary powers". Between these two extremes are a variety of lawful *social compacts* that might have only a few unanimously consensual *religious* (including *municipal*) laws. This in-between variety of *social compact* is still referred to by this exposition as a *religious social compact* because, if it's lawful and in-between, it still has an underlying belief system that has given rise to at least one unanimously adopted *religious* law. So this continuum of lawful *social compacts* is composed mostly of *religious social compacts*, and only at one extreme is the bare-bones *social compact*, also known as the *secular social compact*. So based on prior consent, the various kinds of *social compact* range on a continuum from *social compacts* with minimal lawful *police powers*, to *social compacts* with maximal lawful *police powers*. So based on this continuum, the degree of prior consent given to any given *social compact*'s *police powers* defines the kind of *social compact* it is. At each end of the continuum, there is one kind of *social compact*. There's a fully formed *religious social compact* at one end, and a fully formed *secular social compact* at the other. And of course there are variants between these two extremes, and everything in between is called a *religious social compact*, because all in between have at least one unanimously adopted *religious* (*municipal*) law.

By definition, a fully functional *secular social compact* presumes to govern all *religions*. It does this not because it interferes in *religious* matters, but because it prosecutes *delicts* and adjudicates contract disputes with no regard to *religious* issues. Among other things, this means that if a *religion* enables or encourages *delictual* behavior, that *religion* must be treated as criminal to the degree that it is, in fact, an accomplice. Every perpetrator who perpetrates intentionally has a belief system that generates *delicts*. Whether such a *delict*-manufacturing belief system / *religion* is held by one person or by millions of members of a supposedly respectable *religion* is irrelevant. What's relevant to a *jural society* is that perpetrators be prosecuted regardless of their numbers, and regardless of what colors they may fly. This is the iconic blind-folded bearer of the scales of justice in operation. Because *secular social compacts* must presume to be blind to *religious* issues, by definition, *secular social compacts* have a bare minimal subject-matter jurisdiction, exactly the opposite of a fully developed *religious social compact*. The subject-matter jurisdiction of a *secular social compact* is as close to the subject-matter jurisdiction of a *jural compact* as it can get and still have a functional *ecclesiastical compact*. The *secular ecclesiastical compact* exists to adjudicate *secular* contracts, and that's all it exists to do. Because of the necessity of "political law", "international law", and "commercial law", the *secular ecclesiastical compact* bears the responsibility of adjudicating infractions of such laws, but always as such laws exist as terms of *secular* contracts and compacts.

In contrast to the *secular social compact*, in the fully functional *religious social compact*, the people party to the *social compact* unanimously consent to collectively keep a specific *religion*. In other words, in a *religious social compact*, the people party to the *social compact* unanimously consent to abide by the standards of their shared *religion* with respect to how their god is (gods are) to be worshipped, how children are to be raised, how streets are to be paved, how products are to be produced, and a multitude of other issues that are outside the lawful scope and purview of a lawful *secular social compact*, but well within the definition of *religious* laws, which include *municipal laws*.

If people want to destroy themselves, either quickly or slowly, a *secular social compact* has no lawful grounds upon which to stop them. But this is not true for a *religious social compact*. A *religious social compact* might have prior consent from people to keep such people from hurting themselves, including stopping people from damaging their own **secondary property**. Because unanimous consent about most things is practically impossible in a pluralistic society, *secular social compacts* cannot be expected to stop people from destroying themselves. *Secular social compacts*, by definition, do not have unanimously adopted *public contracts* that govern self-damage. On the contrary, *secular social compacts* have extremely limited but extremely focused *police powers*. On the other hand, *religious social compacts* have *police powers* over participants that are as broad as the unanimous consent of the parties allow them to be. — In contrast to these strict jurisdictional guidelines for *secular* and *religious social compacts*, existing *de facto* governments are enforcing non-consensual *mala prohibita* in violation of the need for prior consent. To get a feeling for the extent of this non-consensual *mala prohibita* problem, one only needs to consider the statute-based regulations enforced by every State in the American union. For example, there are "over 45 state [regulatory] agencies in Minnesota".[1] Generally, the other 49 States are no better. All the States are enforcing non-consensual *mala prohibita* including truancy laws, zoning laws, occupational licensing, *etc.*, *ad nauseam*. But this problem has origins in the common law. To see how, and to clarify the distinction between *de jure* government and *de facto* government, and between *religious social compacts* and *secular social compacts*, it should help to examine how these governments and compacts treat the principle of *unconscionability* and the concept of the *unconscionable contract*.

> *unconscionable bargain* — An unconscionable bargain or contract is one which no man in his senses, not under delusion,

1 The list of "State Agencies, Boards, Commissions" is at URL: http://mn.gov/portal/government/state/agencies-boards-commissions/. — The licenses by Minnesota State agencies are at URL: http://mn.gov/elicense/, retrieved 20 June 2016.

> would make, on the one hand, and which no fair and honest man would accept, on the other.[1]
>
> *unconscionability* — Basic test of "unconscionability" of contract is whether under circumstances existing at time of making of contract and in light of general commercial background and commercial needs of particular trade or case, clauses involved are so one-sided as to oppress or unfairly surprise party. … Unconscionability is generally recognized to include an absence of meaningful choice on the part of one of the parties, to a contract together with contract terms which are unreasonably favorable to the other party. …
>
> Typically the cases in which unconscionability is found involve gross overall one-sidedness or gross one-sidedness of a term disclaiming a warranty, limiting damages, or granting procedural advantages. In these cases one-sidedness is often coupled with the fact that the imbalance is buried in small print and often couched in language unintelligible to even a person of moderate education. Often the seller deals with a particularly susceptible clientele.[2]

To see how this applies to this exposition's description of human law as a necessary aspect of humanity's destiny to take aggregate dominion, suppose a woman has transmission trouble. She goes to a local mechanic to have it worked on. Before beginning the work, the mechanic has the woman sign a contract which stipulates that the mechanic has absolutely zero liability if he increases the damage to the car; and that the woman has 100 percent liability if the mechanic increases the damage to the car. The mechanic works on the car, and renders the transmission worthless. The woman sues the mechanic for damages. In his defense, the mechanic submits the contract as evidence to the court. The *de facto* court stipulates that the contract is *unconscionable*, and refuses to enforce it. Instead, the judge demands that the mechanic should pay half of what it costs to replace or repair the transmission, and the woman should pay the other half. The question is whether this decision is correct in a *de jure* court. To answer this question, it's crucial to know whether the court is *secular* or *religious*. But all that's known is that it's a State court in the *united States*.

The woman foolishly entered the contract. No one forced her into it. Seeing this case within the context of the biblical prescription of global human law, the following conclusion is necessary: Even though there may be Genesis 9:6 damage here, there is no *delict*. This is because the damage caused by the mechanic was

1 **Black's 5th**, p. 1367.

2 **Black's 5th**, p. 1367.

damage that the woman consented contractually to absorb. If she had been coerced into the contract, then that would be totally different. If she had been coerced or defrauded, then such coercion / fraud would be grounds for nullifying the contract. Coercion and fraud are both *delicts*. Assuming that the woman sued the mechanic in a State court of the existing *de facto* system, the woman sued in a *secular* court. That's because all these *de facto* governments in effect openly declare themselves to be *secular social compacts* in the religion clauses of their constitutions. Under such a dysfunctional jurisdiction, the fact that the *de facto* court found that it was an *unconscionable contract*, even though there was no *delict*, raises the question of whether the decision of the *de facto* court was lawful. In other words, where does the judge get the authority to override the prior consent of the parties, when there is no *delict* built inherently into the contract?

Based on a rational reading of Genesis 9:6, a contract to commit a *delict* is obviously a violation of that verse. So if a mafioso makes a contract with someone to have a third party knocked off, the contract is *unconscionable* in the sense that "no man in his senses, not under delusion, would make [a contract to murder someone]". This contract between the woman and the mechanic is not *unconscionable* in this sense because it is not a contract to commit a *delict*. It's *unconscionable* in the sense that there is "gross one-sidedness" in it. It is totally favorable to the mechanic, and totally unfavorable to the woman. It may be unscrupulous of the mechanic to offer the contract, and it may be stupid of the woman to accept it. But there is no *delict* built into the contract. Such a contract therefore is not illegal under a *secular social compact*, and not illegal under a *jural compact*. On the other hand, the mechanic did damage her transmission, so it's still important to explore the possibility that the damage is Genesis 9:6 damage. Assuming that the mechanic did not damage the transmission intentionally, and assuming that the woman was fully informed of the risk she was taking, the damage cannot be blamed primarily on the mechanic. The woman took a big risk and lost. The *onus* is on her, and not on the mechanic. Because she entered a contract in which she consented to take total responsibility for the damage, this was an act of self-damage. As already indicated above, self-damage cannot be included within the original jurisdiction of Genesis 9:6. This is therefore not Genesis 9:6 damage. — Assuming that the woman and the mechanic were total strangers before entering into the contract, and assuming that they were not co-parties to a *religious social compact*, this dispute falls naturally under the original jurisdiction of a *secular social compact*. Because self-damage is excluded from the jurisdiction of a *secular social compact*, the woman would lose if she took

this case into a *de jure secular* court.[1] Because States in effect declare themselves to be *secular social compacts* in their constitutions, State courts should act like *de jure secular* courts, and dismiss the woman's complaint for failure to present a cause of action.

On the other hand, if the woman and the mechanic were members of the same *religious social compact*, and if their *religious social compact* made the one-sidedness breed of *unconscionability* forbidden, and if part of their agreement was that their dispute would be heard in their *religious social compact*'s court, then it's perfectly reasonable for such a *de jure religious* court to find the contract *unconscionable* and to reach a decision practically identical to the one reached by the *de facto* court. This is yet more evidence that the *de facto* courts are declaring themselves to be *secular* on one hand, and operating as though they are *religious* on the other. They are thereby enforcing non-consensual *mala prohibita*, and manifesting jurisdictional dysfunction.

Given that the relationship between the woman and the mechanic is purely *secular*, the solution is for the consumer, the woman, to always refuse to do business with anyone who uses unscrupulous business practices like this mechanic's lopsided contract. For this solution to work, it's crucial for people like this woman to have access to alternative business people who are committed to dealing fairly. Why should she go to someone who uses unconscionable contracts when she can go to someone else who doesn't? Likewise, why should she volunteer to live in a society dedicated to crony, even monopoly, capitalism, if she can opt to live in a free-trading, fair-trading community instead?

In contrast to this mechanic's *unconscionable* contract, most *unconscionable* contracts in early 21st-century America are *adhesion contracts*:

> *adhesion contract* — Standardized contract form offered to consumers of goods and services on essentially "take it or leave it" basis without affording consumer realistic opportunity to bargain and under such conditions that consumer cannot obtain desired product or services except in acquiescing in form of contract. Distinctive feature of adhesion contract is that weaker

1 If she tried to take it into a *de jure secular ecclesiastical* court, the court would find the case non-justiciable, because the contract was not breached. From the perspective of the title-transfer theory of contracts, this contract is non-justiciable because there is no transfer of title in the contract and no inherent theft of some **secondary property**. There is not even a broken promise, so the case is also not justiciable under the promise-expectation theory of contracts.

> party has no realistic choice as to its terms. … Not every such contract is unconscionable.[1]

Anyone who has signed a contract to get a credit card is a "weaker party" to an *adhesion contract*. The same is true for most bank loans, mortgages, software use licenses, and practically any standardized instrument that requires a signature. In fact, *adhesion contracts* are everywhere. They appear convenient. But they generally have a hidden cost that eventually trumps their convenience.

When the *adhesion* variety of contract becomes common in a society, it's a sign that the entire society has been taken over by an oligarchy of monopoly capitalists. Monopoly capitalism takes control of an otherwise free market whenever bad laws and bad law enforcement allow and foster mass-fraud and collusion. This is especially true when a private central bank becomes the issuer of legal tender. The *united States* has had such a central bank since the Federal Reserve Act legalized "fractional-reserve banking" in 1913. The *united States* had a problem with "fractional-reserve banking" for long before 1913.[2] But 1913 was when the *united States* committed itself to descend emphatically into corruption. England has had a similar central bank for much longer. It should be obvious to any modestly intelligent observer that the international banking establishment is now working overtime to establish a global central bank. This may be a fine plan to make a small minority of psychopathic people enormously wealthy. But it's a hideously evil plan for plunging the vast majority of humanity into a global, scientific, totalitarian regime like this world has never seen before. Anyone who reads the Bible knows that the good guys are diametrically opposed to this plan to the core of their being. Any Christian who is not explicitly opposed to this plan should be suspected of pure nominalism. It appears that the first step to dealing with such mass fraud is to refuse to do business with them, and to refuse to cooperate / collaborate with such monopoly capitalists and their corporations. The American system has been in the grips of this mass fraud for so long that most people are essentially like serfs or share-croppers. They're not in a financial position to refuse to do business with their creditors. This is more evidence that it's time for real Christian churches to stop collaborating with the oligarchs. Instead, it's time for real Christian churches to establish Christian *jural societies*, and to bring the banking fraudsters to justice. Fraud is a *delict*, as surely as

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1 **Black's 5th**, p. 38.

2 See Rothbard, Murray; **The Mystery of Banking**, 2nd ed., 2008, Ludwig von Mises Institute, Auburn, Alabama. — URL: http://mises.org/books/mysteryofbanking.pdf, retrieved 20 June 2016. — Also, Rothbard, Murray; **The Case Against the Fed**, 1994, Ludwig von Mises Institute, Auburn, Alabama. — URL: http://mises.org/books/fed.pdf, retrieved 20 June 2016.

a murder is a *delict*, and like murder, legalizing it doesn't eliminate the mandate to execute justice against it. Unlike this mechanic who is not breaking any laws under a lawful *secular social compact*, even though he is certainly using business practices that would, and should, prove fatal to his business in a genuinely free market because he is clearly violating natural law, these crony capitalists have conspired to build a system based entirely on open fraud. Like the mechanic, they deserve to reap what they sow.

One of the most important things to understand from this example of an *unconscionable* contract is how *religious social compacts* and *secular social compacts* should interface. Even though the constitutional structure of the *united States* has been jurisdictionally dysfunctional from the beginning, it's still nevertheless true that whatever degree of jurisdictional sanity existed within the original *social compact* of the *united States* needs to be recognized and acknowledged, for the sake of bringing such sanity into the foreground, so that people can live by it. The fact is that this society / community / *social compact* was originally designed to be a "confederate republic".[1] Even though the original system was jurisdictionally dysfunctional, it nevertheless made an attempt, evidenced by the 1st Amendment's religion clauses, to establish the general government as a *secular social compact*, and the States, counties, and municipalities as *religious social compacts*. This bit of jurisdictional sanity has been overlaid with tons of jurisdictionally dysfunctional laws and judicial decisions. Nevertheless, Christians who take the Bible seriously have a mandate to build on the jurisdictional sanity, in spite of the overlay of vast jurisdictional dysfunction. So the question that Christians who are inclined to form *jural societies* need to ask is this: "How do we do this?"

The start is in assuming that the confederation still exists, and is a foundation to build on. The *de facto* general government has gone almost utterly rogue. But somewhere underneath all the corruption is a *de jure secular social compact*. This *de jure secular social compact* was the creation of the States through what is essentially a treaty between them. The treaty was the *u.S.* Constitution. To whatever extent the organic Constitution and Bill of Rights form a *de jure secular social compact*, it still has a binding effect. But these days this *secular social compact* exists almost entirely

1 This expression is found in Madison's Federalist Paper #43, "The Powers Conferred by the Constitution Further Considered (continued)", and Hamilton's Federalist #9, "The Union as a Safeguard Against Domestic Faction and Insurrection". — Madison, James, Hamilton, Alexander, Jay, John; **The Federalist Papers**, introduction & editing by Clinton Rossiter, 1961. Mentor; NAL Penguin Inc., New York. — Both essays cite Montesquieu's **The Spirit of Laws** (1748) as the source of this concept.

as a disembodied idea. Only when living people stand on that idea does it become embodied.

Beneath all the corruption of the *de facto* States, each State is a *de jure secular social compact*. Even though the States have borne *municipal laws* since before their inclusion in the confederation, none of them is lawfully a *religious social compact* because none of them has ever had unanimous consent for their exercise of *religious* and *municipal* laws. The same is true for every municipality and county within every State. *De facto* State, county, and municipal governments are encumbered by massive jurisdictional dysfunction, and have been since their conception as such governmental entities. If each of these governments were pared down to a lawful, *de jure secular social compact*, then each would be a *de jure secular social compact* within a lawful confederation of *secular social compacts*.

Originally, each State in the 13 colonies was some kind of *religious social compact* to whatever extent the people there consented to the *municipal* and *religious* laws in operation. But during the decades immediately after the Declaration of Independence and Constitution were ratified, each of these States adopted religious freedom clauses into its constitution, thereby officially making itself a *secular social compact* operating with a good deal of jurisdictional dysfunction. Now it's time for these State, county, and municipal governments to abandon the pretense that they are *religious social compacts*. It's also time for real *religious social compacts* to be formed to take on the *municipal* and religious purposes and functions that lawfully belong to *de jure*, unanimously consensual *religious social compacts*, as well as to *private contracts*. This is a radical overhaul of the existing social superstructure. Some might call it "revolutionary". But this is not necessarily a violent revolution, and this exposition is certainly not calling for violence. This exposition is only remarking in passing that Christians should behave as Christians, and do what the Bible and their own consciences call them to do. It's certain that the enemy of the biblical prescription of human law is statism. Statism is an idea, a bad idea, a delusion, a powerful weapon in the serpent's hands. The real enemy of the biblical prescription of human law is the delusion, not all the people who happen to be suffering from the delusion.

(iv) The Natural-Rights Polity as Metaconstitution, Internal

Overhauling the American social superstructure so that it reflects the biblical prescription of human law will result in a confederation that is built on genuine consent, rather than in a presumptive "confederate republic" that pretends to

be built on consent, but isn't.[1] What this exposition is describing here is what constitutional lawyers sometimes call a *metaconstitution*. In many respects, it's right to understand the natural-rights polity implicitly posited by the Bible to be equivalent to a *metaconstitution* for properly understanding existing American law. A *metaconstitution* is usually understood to be a set of interpretational policies for the proper interpretation of the *u.S.* Constitution. The *legal positivists* who currently dominate the legal profession notoriously eschew any kind of *metaconstitution*, especially one that claims to be based on the Christian Bible. This is a good reason for people who genuinely adhere to the Bible to relegate the views of such *legal positivists* to the dung heap of history.

Anyone who compares this Bible-based *metaconstitution* with the organic Constitution knows that a face-value, sub-rational reading of the organic Constitution is not perfectly compatible with this Bible-based *metaconstitution*. Even so, a literalist's understanding of the organic Constitution is vastly more compatible with this Bible-based *metaconstitution* than the *constitution* that's being expounded these days by *legal positivists*, including by almost the entire American judicial system and legal professions.

Because it encompasses the entire field of human law, and not merely the Constitution, this natural-rights polity, meaning this Bible-based *metaconstitution*, is much more comprehensive than the *u.S.* Constitution. For this reason, it may at first seem inappropriate to call it a *metaconstitution*. But if "constitution" is understood broadly, it is not inappropriate.

> *constitution* — The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers.[2]

This broad definition of *constitution* encompasses the organic Constitution and Bill of Rights. It also includes the common law in its current state, subsequent amendments to the Constitution, the State constitutions, many federal and State statutes, many

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1 The focus here is on America only because America's organic documents (including the common law) lay a foundation for this overhaul that is difficult to find anywhere else. If America is "exceptional", it's only because of these organic documents. But if Americans allow those documents to utterly expire from their polity, then America provides no more foundation for this overhaul than any other society.

2 **Black's 5th**, p. 282.

regulations generated by bureaucrats that happen to pervert statutory authority, case law that interprets all these sundry laws, rules of court, rules of evidence, and whatever written or unwritten assumptions may exist that influence the law. The ordinary layman generally understands *constitution* to be limited to the organic Constitution and Bill of Rights, and maybe some or all of the other amendments. So laymen generally have an understanding of the constitution that is narrower than this broad definition. In contrast to laymen, *legal positivists* generally use a broad definition of *constitution*. They do this largely because they lean heavily upon judicial opinions, where such opinions dominate their perception of the law by way of legal precedent, and where such case law generally leans heavily towards the broad definition. In contrast to both *legal positivists* and laymen, people who believe in the Bible's prescription of human law should use the broad definition of *constitution* for the sake of comprehensiveness, but they should lean heavily upon the biblical prescription of human law to get the correct understanding of the *constitution*, not upon *legal-positivist* flim-flam or upon "strict constructionism" that ignores the Bible. In other words, people who adhere to the Reformed hermeneutic should use this Bible-based *metaconstitution* to properly understand the real, human-law *constitution* of the *united States*. There are extremely reliable historical reasons for using the biblical *metaconstitution* to properly interpret American law, and the reasons for doing so are not limited merely to the Christian hope of living consistently with the biblical covenants.

The historical evidence indicates that the rate of biblical literacy in the 13 colonies during the founding era was extremely high. It follows from this evidence that what the founding generation was attempting, even with their sober recognition of the practical difficulties, was the establishment of the biblical prescription of human law. This historical evidence should be combined with the need to see jurisdictional sanity gestating in the existing social order. The combination of history and the need to bring jurisdictional sanity into the foreground yields an unusually large area of compatibility between the organic Constitution, Bill of Rights, and common law, on one hand, and the natural-rights polity, on the other. In addition to large areas of compatibility between the Constitution, Bill of Rights, and common law, on one hand, and the *metaconstitution* on the other, there is also compatibility between this *metaconstitution* and other aspects of the broadly defined *constitution*, including some supreme Court and lower court opinions, some amendments, aspects of State constitutions, some federal and State statutes, and some rules of court and rules of evidence. In contrast to this unusually large area of compatibility between the *metaconstitutional* natural-rights polity and the broadly defined American *constitution*, there is massive incompatibility between the biblical *metaconstitution* and the *legal positivist*'s *constitution*.

This Bible-based *metaconstitution* demands that all the currently existing *secular* governments of the *united States* be recognized, collectively, as a confederation of *secular social compacts*. At its core, every town, city, county, and State, as well as the general government, is a *secular social compact* that is now defined primarily by its existing geographical jurisdiction, its commitment to being pluralistic, and its inherent inability to get unanimous consent for anything, with the possible exception of the bare minimal attributes of a *secular social compact*. To bring these *de facto* governments into conformity with the natural-rights polity, the subject-matter jurisdiction of each of these *secular social compacts* must be dramatically reduced so that it conforms to *de jure* law. This should not be a process of merely eliminating or repealing *municipal* and *religious* laws that are currently on the *de facto* books. It's also not merely a process of "privatizing" entities and enterprises that are currently in the possession of these *de facto* governments. It must be more than merely a matter of repealing laws because these laws generally pursue lawful purposes and functions, but they do so in a way that is jurisdictionally dysfunctional. So-called "privatization" is also not a good idea. Privatization has gotten an extremely bad reputation because it has generally been a process whereby entities are moved from the possession of jurisdictionally dysfunctional *secular* governments into the possession of monopoly capitalists. This kind of "privatization" is not conducive to a free market. Instead, it's conducive to the neo-feudalism that is the *de facto* goal of monopoly capitalists. In the existing system, monopoly capitalists are using the *de facto* governments as their henchmen and stooges. Many people call such a system "fascism". Regardless of whether the system to which monopoly capitalists are guiding the ship of state is called fascism, monarchy, socialism, communism, collectivism, totalitarianism, or utopia, the system they're pushing is a jurisdictionally dysfunctional system of government that perpetrates *delicts*, often by way of a maze of obfuscation. What currently passes for "privatization" merely plays into the hands of these rogues and their rogue systems.

In order to revamp the local, low-level *secular social compacts*, and to do so lawfully, the revamping cannot happen without due consideration of the consent of everyone within the geographical jurisdiction who has capacity. Given that these *secular social compacts* are pluralistic, leaning on unanimous consent to accomplish almost anything the local government does may seem foolish. But before abandoning hope because unanimous consent is absurd, it's important to consider where unanimous consent is needed, and where it isn't.

Unanimous, pre-cognitive consent already exists with regard to the *negative-duty clause* and the *positive-duty clause*. So unanimous pre-cognitive consent already exists in regard to the subject matters of these two clauses. But unanimous pre-

cognitive consent does not exist in regard to the massive stuff outside these subject matters, stuff that has glommed onto the *de facto* system like cancer. By looking at these glommed *religious* / *municipal* laws from the point of view of taxes and takings, limitations on consent become obvious. It's crucial to explore these limitations before going deeper into applying the *metaconstitution*.

The *de facto* governments are perpetrating *delicts* against all their tax payers by way of taxation. They're doing this by using confiscatory taxation to pay for *religious* / *municipal* purposes and functions. Some people may refuse to give cognitive consent for such taxation, and they may make explicit objections and pay under duress. But the majority of Americans pay such taxes as though they were happy to do so, or as though they were all suffering from the Stockholm syndrome. This is not genuine consent because government is pointing the threat of force at the tax payer. Paying in such quiet desperation may be acquiescence, but it's not consent. It's not even pre-cognitive consent because global pre-cognitive consent does not exist in regards to *religious* / *municipal* purposes and functions, but only in regards to Genesis 9:6 *duties*. This is also not cognitive consent because genuine cognitive consent cannot exist when the party presumably giving it is being threatened with a *delict*, and is thereby the victim of extortion. Genuine cognitive consent can only exist when the decision-making process is not being clouded by human threats. Because the linkage between taxing and spending is undeniable, through taxation, the *de facto secular* governments are perpetrating *delicts* in regards to their *religious* / *municipal* laws, because these governments are using extortion to pay for the administration of such laws.

No lawful *secular social compact* has lawful authority to collect taxes (or takings) willy-nilly to pay for governmental functions that exist willy-nilly. Haphazard taxes and takings are inherently *delictual*, and turn such government into a criminal operating under *color of law*. If taxes (or takings) exist to fund *secular* enterprises like building "Post Offices", "post Roads", highways, railroads, airports, ditches, canals, pipelines, shopping malls, *etc.*, then the taxes (and takings) are inherently bloodshed, because these things are being paid for with stolen money. Precisely the same is true if the taxes (and takings) are spent to pay for lawful functions of a *secular social compact*, meaning lawful functions of the *jural* and *ecclesiastical* compacts that are implicitly required by the Genesis 9:6 clauses. But at least there is global pre-cognitive consent to these *secular* purposes and functions. There is no global pre-cognitive consent to the governmental implementation of these *religious* / *municipal* purposes and functions.

Because everyone gives pre-cognitive consent to enforce against *delicts*, every party to these *secular social compacts* has given pre-cognitive consent to the elimination

of these jurisdictionally dysfunctional *religious* / *municipal* laws. Everyone has also given pre-cognitive consent to the prosecution of those responsible for perpetrating these *delicts* under *color of law*. On the other hand, even though there is ample pre-cognitive consent to the elimination of these laws and the prosecution of those responsible, there is very little cognitive consent regarding either. There is cognitive dissonance one would expect of people suffering from the Stockholm syndrome.

In the implementation of the natural-rights polity, an emphasis needs to be placed on elimination of *religious* / *municipal* laws from the *de facto* jurisdictions of the *de facto secular* governments. The emphasis should not be on prosecution of the numerous government officials perpetrating such tax extortion under *color of law*. Both ending the crime and prosecuting the criminals are important. But common sense demands that terminating the crime should take priority. As long as there is a shortage of methodical, viable plans to terminate the crime by eliminating non-consensual *religious* / *municipal* laws, it makes little or no sense to set the primary focus on prosecution. Under the circumstances, in many respects, the people responsible are the people themselves, the "governed". By itself, the elimination of such *religious* / *municipal* laws is such a huge problem that a frontal assault on this problem should probably be avoided. It's probably more constructive to be circumspect, like circling Jericho seven times. So this exposition will take a round-about approach to the migration of *religious* / *municipal* purposes and functions out of the immediate scope and purview of the *secular social compacts*. It's reasonable to call this the "Great Expatriation". Rather than focus immediately on that process of expatriating bad laws out of the numerous jurisdictionally dysfunctional *secular social compacts*, it will probably be more constructive to focus on how lawful *secular social compacts* should be funded, and how they should function.

Given that every town, city, county, and State is a *secular social compact* according to the *metaconstitution*, and given that they are all integrated into a confederation recognizable by the *metaconstitution* as an overarching *secular social compact* generally called the *united States*, there is a huge question regarding how, exactly, these sundry *secular social compacts* are supposed to interact with one another. If their *de jure* subject-matter jurisdiction is so limited, then it appears that there might be no way for them to interact without violating their jurisdictional boundaries. This situation hints at three problems that demand resolution as part of the implementation of the natural-rights polity:

(i) If these *secular social compacts* are genuinely in confederation, then there must be some treaty or set of treaties that define how the individual *secular social compacts* are to interact. For this confederation to be genuinely viable, these treaties must be real contracts that have real force of law.

As far as each of these *secular social compacts* is concerned, such law is essentially *international law*. To implement this *metaconstitution*, it must be clear what the jurisdictions of these treaties are, so that it's certain that *delicts* are not being built into the treaties.

(ii) Given that each of these *secular social compacts* is as limited in its lawful subject-matter jurisdiction as has been described above, there is still a huge set of problems in regards to how offices necessary for making these *secular social compacts* viable are to be filled. If no mechanisms are designed into the *secular social compact* to facilitate the filling of the necessary offices by way of unanimous consent of those party to the *social compact*, then the *social compact* is not any better than a vigilance committee. This is because the absence of office-filling mechanisms indicates that the compact lacks perpetuity. So how are offices to be filled without violating the rule that compacts are built with cognitive consent?

(iii) Given that these *secular social compacts* are genuinely in confederation, the treaty or treaties that define how the individual *secular social compacts* interact must also define what, if any, restrictions exist in regard to traffic across the boundaries of their respective geographical jurisdictions. Both commercial and non-commercial traffic might be obstructed if such treaty (treaties) doesn't deliberately allow the free flow of traffic.

The crucial issues in these three concerns are *international law*, *political law*, and *commercial law*, respectively.[1] Without *political law*, there is no way to form a perpetually existing compact. So without *political law*, there's no way *international law* crucial to the existence of a confederation can exist. Also, if traffic across borders is obstructed, then commerce within the geographical jurisdiction of any given *secular social compact* is confined to being between people within that jurisdiction, which can be extremely limiting.

In addition to these three very significant problems, in order for these *secular social compacts* to be viable, and in order for this confederation of *secular social compacts* to be viable, and in order for this *metaconstitution* to be viably implemented, five other issues need to be addressed:

(i) How is commerce to be carried on not only between the various

1 The third concern also includes the common-law right to travel, which is a natural right as long as it doesn't damage other people. So the emphasis should be on both commercial and non-commercial traffic. In fact, whether the traffic is commercial or not is irrelevant to the natural-rights polity, although it may be extremely important to the legal scholars who concocted human law into categories of *international*, *municipal*, *political*, and *commercial*.

jurisdictions within the confederation, and also with the world outside the confederation?

(ii) What are the jurisdictional limitations on this confederation's treaties with the world outside the confederation?

(iii) How are taxes and takings to be lawfully collected within these *secular social compacts*, and what are the jurisdictional limitations on such taxes and takings?

(iv) How are these *secular social compacts* supposed to interface with *religious social compacts*?

(v) Given that practically all the necessary *municipal purposes* and *functions* are presently being satisfied by way of the grossly overreaching *de facto* governments, how does transition from the current jurisdictionally dysfunctional status to the lawful status happen with minimal violence? Regarding *religious* laws in general, with such a huge part of the population currently laying claim to ill-gotten gain by raiding the public coffers, *i.e.*, through mechanisms built into the *de facto* laws, how can these welfare recipients (including corporate welfare recipients) be most graciously weaned?

If this exposition provides viable answers to these eight concerns, and if this exposition provides a reasonable description of how the Great Expatriation should happen, then this exposition will conclude that the natural-rights polity has been viably represented here; that the exposition has presented a viable description of how to build human governments based on the biblical prescription of human law; and that the exposition has fairly represented the aspect of the Bible that globally prescribes human law by describing the *in personam* jurisdiction of the *positive-duty clause*, along with subject-matter and territorial jurisdictions.

(1) Preview of the Great Expatriation:

Under the present circumstances, the general government is still offering the federal judicial system as a crucial part of this *de facto* confederated structure. The federal judicial system might be reliable if its judges and juries properly understood and appreciated the law through this *metaconstitution*. Admittedly, this is a big IF. That *de facto* system is unreliable because most of its laws need to be eliminated. They are inherently incompatible with the definition of *secular* law as being limited strictly to legal actions arising out of Genesis 9:6 damage. Also the judges and juries are operating under the assumption that elimination is not an option. All the *religious* / *municipal* laws that currently exist under the subject-matter jurisdiction of each of these *de facto* governments must somehow be eliminated, or migrated to some other

jurisdiction. On its face, this is a huge undertaking. Every town, city, county, and State has screeds of *municipal laws* that are inherently outside the lawful jurisdiction of any lawful *secular social compact*. The so-called "federal government" is no better, and in many respects, it is monumentally worse. It's monumentally worse because the "military-industrial complex" is controlling the general government in ways that it is not yet controlling these lower-level *de facto* governments.[1] The fact that the "military-industrial complex" includes the Federal Reserve and the international banking cartel should help to clarify the magnitude of this complex. So at every level of this confederation, all of these *secular*, *de facto* governments are bloated with unlawful *municipal laws*. Many of these *municipal laws* represent legitimate *purposes* and *functions*, but they are being pursued unlawfully, *ultra vires*, and with monumental jurisdictional dysfunction by governments that at best are *secular social compacts* gone rogue. The result is massive corruption that is typically the death knell of civilizations. Somehow the legitimate *municipal purposes* and *functions* need to be migrated over to lawful *religious social compacts*, to *secular private contracts*, or to be simply repealed and repudiated. As already indicated, the big question is, How?

On its face this problem is so gargantuan that it pauperizes the mind. As with all big problems, the way to deal with it is to break it down into manageable pieces. Considering the historical origins of the problem should also help to make it manageable. Crucial to whatever efforts are made in the right direction is that such efforts respect every human's natural rights, and avoid the perpetration of *delicts*.

Since the States united under the Constitution, non-consensual *municipal laws* have grown like weeds in cities, towns, counties, and States. Since the contractual nature of American government was negated by the legal system,[2] there has been a

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1 On the other hand, Agenda 21 / Agenda 2030/ the United Nations is controlling local governments in ways that the federal government is not.

2 The negation of the contractual nature of American government occurred officially by way of Chief Justice Chase's opinion in *Texas v. White*, 74 U.S. 700, 725 (1869). This opinion says, "The Constitution, in all its provisions, looks to an indestructible Union of indestructible States." — URL: http://supreme.justia.com/us/74/700/case.html, retrieved 5 August 2016.

"Chase's *Texas v. White* opinion assumed what ought to have been proved … Its oft-quoted sentence - 'The Constitution … looks to an indestructible Union composed of indestructible States' … - explains little and strictly speaking is false." — Keir Nash, A.E., "State Sovereignty and States' Rights", **The Oxford Companion to the Supreme Court of the United States**, editor in chief, Kermit L. Hall, 1992. Oxford University Press, Inc.; New York, pp. 831-832.

de facto migration of welfare, education, and numerous other traditionally *religious* functions away from the Christian churches and into the *de facto* jurisdictions of *secular* governments. This latter process must be reversed. All the *religious* purposes and functions that are rightly within the jurisdictional ambit of Christian *religious social compacts*, need to go through a Great Expatriation from the purview of these jurisdictionally dysfunctional *secular social compacts*, back to the churches and other *religious* institutions. Because churches are inherently local, the most fundamental place for this Great Expatriation to happen is at the level of the local church. If the local Christian churches start this process at the basic level of forming *jural societies* and having massive educational drives to educate people about biblical jurisdictions, the difficulty of revoking, rescinding, renouncing, voiding, and eliminating all of each church's fraudulent contractual ties with the *de facto*, jurisdictionally dysfunctional governments, will be mitigated.[1] But even if a local Christian church is amazingly successful at disengaging itself from the jurisdictionally dysfunctional *de facto* system, and even if it is successful at educating massive numbers of people about biblically reliable jurisdictions, and even if it is successful at establishing welfare, education, and numerous other programs that are rightly and historically within the Christian *religious* ambit, that still will not solve the problem of what to do about *municipal laws*, laws pertaining to water, sewage, streets, vices, *etc.*, laws that are historically more *municipal* than *religious* (although *municipal laws* are encompassed by the concept of *de jure religious* laws). The fact that this Great Expatriation must encompass *municipal laws* is what makes this Great Expatriation an especially obstinate problem, and it's why this exposition needs to take a very circumspect approach to this Great Expatriation.

At each level of the jurisdictionally dysfunctional *de facto* superstructure, governments currently claim ownership of the means of production with respect

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Texas v. White "was the epitaph for the 'compact theory' that so long had been championed by states' rights advocates in the antebellum era." — Scheiber, Harry N., "Federalism", **Oxford Companion**, p. 282.

There is a huge problem in believing that the Union is "perpetual" in the sense that no State, once in the Union, is allowed to opt out of it. The problem is that consent is totally ignored from inception forward. The consent of the grandfather is not the consent of the grandson. Consent of father is not consent of son. So this assumption violates the Declaration's claim that "Governments are instituted among Men, deriving their just Powers from the consent of the governed". It also violates the *metaconstitution* because it violates consent.

1 This entails especially the process of rejecting the 26 U.S.C. § 501(c)(3) corporate status, and everything that goes with it. — URL: http://www.law.cornell.edu/uscode/text/26/501, retrieved 5 August 2016.

to water treatment, sewage treatment, street management, and all the other things that currently fall within the ambit of *municipal purposes* and *functions*. Do these governments really own these things? Do they have lawful title? — No! They practice confiscatory taxation to pay for these things, against a population that has in no way given unanimous cognitive consent to this confiscation of property. These governments use this confiscated property to pay for these monopoly enterprises. This is true not only of towns and cities, but also of counties, States, and the general government. But in spite of the fact that *municipal laws* are a huge impediment to the Great Expatriation, most Americans are oblivious. Most Americans pay practically no attention to *municipal laws* beyond paying their utility bills. Most Americans are far too distracted to care. But reason demands that in spite of public opinion, if the natural-rights polity is not consistently applied at the local level, then applying it to more distant governments is merely a facade. No doubt all levels of the confederacy need to be worked on. But the crucial role in this Great Expatriation is the role of the visible, universal Church, and the role of the individual Christian. The Church's role, and the Christian's role, are primarily at the local level. That's because this is the primary place where the Great Expatriation of *religious* / *municipal* laws from the *de facto* governments into the ambit of the *de jure religious social compacts* and *private contracts* needs to happen. The core motivation for this Great Expatriation is recognition of *delicts* as *delicts*, and recognition of the need to avoid perpetrating *delicts*, especially *delicts* perpetrated under *color of law*, which necessarily includes *delicts* perpetrated through taxation.

The denial, by governments, that consent is a necessary precursor to their lawful existence is a rudimentary *delict*, because it's essentially a threat to initiate force under *color of law*. The fact that all governments, throughout history, have been based on such denial of consent – flowery language to the contrary notwithstanding – is an indictment of all human government. The fact that people are accustomed to this denial of consent does not justify it. As indicated above, consent must take a prominent seat at the table with all other *municipal purposes* and *functions* if the Bible-based natural-rights polity is ever to be implemented on earth. If American government doesn't go back to its roots in government by consent, meaning real consent, and not some pseudo-consent, then it doesn't deserve to survive any more than any other defunct civilization. At the level of the local municipality, the big question is how to make government by consent practical. If it can be made practical at the local level, then making it practical at the State and general levels should be simple. That's because the counties, States, and general government are naturally *secular social compacts* because they are the encompassing entities in the confederation. Cities and towns are naturally *religious social compacts*, because they have traditionally been where *municipal* and *religious* laws have developed and prevailed, and they do

not so naturally encompass subsidiary *social compacts*. Because cities and towns in America are extremely pluralistic, proposing to make them work as *secular social compacts* while at the same time ensuring that all the necessary *municipal purposes* and *functions* are satisfied in a way that does not deny consent, may seem like so much baying at the moon. But by focusing first on the least complex variety of *social compact*, the *secular social compact*, then focusing on more complex *social compacts*, it should become clear how to make these transitions with minimal violence, and with practical advantage. So even though the core of the battle is at the local level, this exposition will focus first on the non-local, *secular* level of the confederacy, and expand from there to encompass *religious social compacts*.

(2) Political Laws & Denizens:

As implied above, without *political laws*, there's no way a *secular social compact* can be any more viable than a vigilance committee. The advantage that a *secular social compact* has over a vigilance committee is essentially the same advantage that a *jural society* has over a vigilance committee. If the *jural society* is to have any advantage over a vigilance committee, then the compact that comprises the *jural society* needs to be formal and long-term. There must be a rational nexus between the primordial *duties* imposed by God on all humans in Genesis 9:6, and whatever human government presumably arises to satisfy those *duties*. Questions that relate to how *jural societies* are to be established, by whom, how they operate in perpetuity, how they are financed; all these questions are questions about *political law* that determine the viability of a *jural society*. Because *jural compacts* are generally sub-compacts of *social compacts*, these questions about *political law* as it exists within *jural compacts* relate indirectly but very closely to both *secular* and *religious social compacts*. For the sake of eliminating unnecessary complexity in the exposition, the initial focus here will be on *political law* as it exists within a *secular social compact*. Again, it's crucial to define terms:

> *political law* — That branch of jurisprudence which treats of the science of politics, or the organization and administration of government. More commonly called "Political science."[1]
>
> *politics* — The science of government; the art or practice of administering public affairs.[2]

Again, these standard definitions are too broad. If human law is to be confined to strict jurisdictional limits, then the definition needs to be refined substantially. To get a definition of *political law* that is useful in this exposition of Bible-based human

1 **Black's 5th**, p. 1043.

2 **Black's 5th**, p. 1043.

law, it's necessary to distinguish two different kinds of *political law*. To make the necessary distinctions, it's necessary to go back to reasoning from the ground up.

If a vigilance committee formed every time a *public delict* was perpetrated, the agreements that went into the formation of the vigilance committee would generally be informal and short-term, and therefore lacking in whatever rigor is necessary to the existence of a perpetual *jural society*. For such a vigilance committee to be transformed into a jurisdictionally reliable *jural society*, the vigilantes would need to build terms into the compact that would allow for the election of officers, the collection of revenues, definitions of due process, rules of court, the passing of power from one officer to another at the end of the one officer's time in office, and things of that nature. These compactual terms are what this exposition is calling "*political laws*". It's critical to distinguish such *political* terms of a given compact from the Genesis 9:6 *negative duties*, and from terms that are designed specifically to implement those duties as *human law*. Towards that end, it's critical to understand that *political laws* as defined herein are not the same as laws against *delicts*.

- *Political laws* as they exist as terms of a *jural compact* are the terms necessary for the transformation of a lawful vigilance committee into a lawful *jural society*.
- *Political laws* as they exist as terms of an *ecclesiastical compact* are the terms necessary for the transformation of an *ex contractu* vigilance committee into a lawful *ecclesiastical society*.
- *Political laws* as they exist as terms of a *secular social compact* are the terms necessary for the establishment of a strictly defined *social compact*.

Even though *political laws* can exist in all three of these kinds of compacts, understanding how they can exist within a lawful *jural compact* will form a prototype for understanding how they can exist in these other two kinds of lawful compacts.

In order to successfully transform a vigilance committee into a *jural society*, it's absolutely critical to maintain the distinction between *jural laws* and *political laws* as the vigilance committee adopts the necessary *political laws*. *Jural laws* can be understood to be terms of the *jural compact* that have the same subject matter as legal actions *ex delicto*. The Genesis 9:6 proscription of other-initiated damage is necessarily limited to damage *ex delicto* and damage *ex contractu*. *Jural laws* are laws against damage *ex delicto*. In contrast to *jural laws*, a *jural compact*'s *political laws* do not pertain specifically to *delicts*. They pertain to the tangential issue of how to make the *jural society* perpetual and efficacious. — Because the global covenant's prescription of human law implicitly limits the subject matter of all laws to legal actions *ex delicto* and *ex contractu*, it's clear that all terms / laws within the *jural*

compact must be one or the other. Although this is true, there are intricacies in the application of some of these *political laws* that prevent them from falling readily into one category or the other. This apparent fuzziness obviously demands some explanation.

While *jural laws* have an *in personam* jurisdiction that includes anyone who perpetrates a *delict*, terms within the *jural compact* that are not *jural laws* only have *in personam* jurisdiction over people who are explicitly party to the *jural compact*, meaning over people who have given cognitive consent to participation. So the *prima facie* conclusion is that non-*jural laws*, meaning *political laws*, are necessarily adjudicated *ex contractu*. But this *prima facie* conclusion is too facile, because the nature of *jural political laws* is more nuanced than this. It's true that these non-*jural laws* are simply agreements about how to keep the *jural society* lawful, effectual, and perpetual. While *jural laws* define the wide variety of *delicts*, drawing distinctions between them and defining their relationships to the life-for-life proportionality, *political laws* include definitions of due process, rules of court, procedures for revenue collection, and procedures for filling offices. Included within these agreements about *political laws* are also extra-compactual agreements, meaning agreements with people outside the *jural society*. These terms include (i)agreements with the *ecclesiastical society* about how the *jural society* and the *ecclesiastical society* should operate together; (ii)agreements with the *social compact* about how the *jural society* should interface with the society at large; and (iii)agreements with other *jural societies* in other *social compacts* pertaining to things like extradition and appellate processes. These kinds of agreements with external entities can be viewed and treated as *political laws* within the internal confines of the *jural society*, but they can also be understood to form *international law*, especially when the agreements are with entities outside the immediate *social compact*. So from the perspective of parties to the *jural compact*, *jural political laws* include all compactual provisions other than *jural laws*, and these other provisions are necessary to keep the *jural society* lawful, efficacious, and perpetual. Such *jural political laws* necessarily include terms that pertain to due process, rules of court, procedures for revenue collection, procedures for filling offices, agreements with the *ecclesiastical society*, agreements with the *social compact*, and agreements with external *jural societies* that pertain to extradition and appellate procedures. So *jural political laws* include a very limited form of *international law* that pertains to extradition, appellate procedures, and other terms that pertain immediately to the *jural society*'s fundamental function of prosecuting *delicts*.

None of the lists of *political laws* in the immediately preceding paragraph are intended to be exhaustive. Even so, each item in the lists is intended to have a *prima facie* status of being outside the *delict*-oriented arena of *jural laws*, and of

assisting the *jural society* in being lawful, effectual, and perpetual. Because they are intended to make the *jural society* effectual and perpetual, it's necessary to shift from focusing on them primarily as human laws that need to be adjudicated *ex contractu*, to focusing on them primarily as agreements that need to be administered. In doing so, it becomes evident that there is a sub-category of *political laws* embedded in these lists that tends to go rogue more readily than the other sub-category. These rogue-prone terms aim at making the *jural society* perpetual, having an indefinite duration, and having continuity. Essentially, the above lists can be divided into two sub-categories of *jural political laws*, and this exposition claims that together, these two sub-categories encompass all *jural political law*. The sub-category of *political laws* that are aimed at continuity include things like revenue collection and procedures for filling offices. The sub-category of *jural political laws* that are not aimed specifically at continuity / perpetuity are *political laws* that are focused on things like due process, rules of evidence, and rules of court. So while all the terms of the *jural compact* fit into two and only two categories, where the categories are *jural law* and *political law*, *jural political law* also consists of two and only two sub-categories, where these sub-categories are *procedural political law* and *continuity political law*.

The main reason vigilance committees are inadequate is because they arise spontaneously out of a perceived need to prosecute *delicts*, and they disband when the need disappears, so that they are incapable of being permanent repositories of knowledge about due process, rules of evidence, and rules of court. The advantage that a *jural society* offers is that it's aimed at being perpetual, and can therefore act as a repository of such knowledge. However, there's a danger in such continuity / perpetuity. That danger exists in the form of conflicts of interest. Is an agent of the *jural society* more interested in prosecuting *delicts*, or in the continuity of the *jural society*? Conflicts of interest exist whenever agents put their own self-aggrandizement, or the aggrandizement of the *jural society*, ahead of the fundamental purpose of the *jural society*. This continuity sub-category of *jural political laws* includes things like procedures for revenue collection and procedures for filling offices. So while vigilance committees have practically no *political laws*, lawful *jural societies* have two fundamental kinds of *political laws*, *procedural political laws* and *continuity political laws*.

It's important to recognize in passing that one of these two kinds of *political laws* offers practically nothing other than advantages over vigilance committees. The other certainly offers advantages, but because of conflicts of interest, it also offers disadvantages in the form of hazards. *Procedural political laws* clearly offer advantages by helping to ensure that what the *jural society* produces is justice. Although *continuity political laws* certainly offer advantages, they also offer

disadvantages by being a source of conflicts of interest for agents of the *jural society*. In fact, it's conceivable that the hazards in *continuity political laws* are the root source of the whole mythology of statism. — To recapitulate: Because evil doers working together can so easily overwhelm the individual vigilante, individual vigilantes need to band together to form vigilance committees. Because vigilance committees are prone to summary prosecution, they need to transform themselves into *jural societies* in which the *positive-duty clause* can be satisfied with all due diligence and care. Forming a viable *jural society* requires the existence of *political laws*, and for the sake of keeping the *jural society* from turning into a protection racket, its *political laws* must be enforced based entirely upon cognitive consent. This fact poses two sets of problems to the efficacy and perpetuity of a *jural society*. The problems arise out of the human capacity to make bad choices. One set of problems arises out of *procedural political laws*, while the other arises out of *continuity political laws*. This exposition will address the problems in *procedural political laws* first.

While *jural laws* apply to *delict* perpetrators through the perp's pre-cognitive consent, and without regard to the perp's cognitive consent, the *prima facie* claim here is that *jural political laws* cannot lawfully apply to anyone except through cognitive consent. But this *prima facie* claim cannot stand up to close examination. Often people may be treated as *delict* perpetrators when in fact they are not *delict* perpetrators. Trials and due process exist to determine whether someone is guilty or not. This process often entails that a person will be arrested (kidnapping), handcuffed (assault and battery), and thrown in jail (false imprisonment) before he/she is actually found guilty. If the person is ultimately not guilty, then this is a case in which he/she has given neither pre-cognitive nor cognitive consent to that kind of abuse. This is essentially a violation of the rule that people can sacrifice their natural rights only by violating someone else's natural rights. That rule arises immediately out of the life-for-life proportionality. If this suspect has not been proven guilty, then how can it be right to violate his/her natural rights? — The *jural society* must apply *procedural political laws*, like due process, rules of court, rules of evidence, *etc.*, to alleged perpetrators without regard to whether the accused cognitively consents to such laws or not. Application of these *procedural political laws* starts with probable cause. Because every suspect is innocent until proven guilty, there is an initial appearance that *procedural political laws* must exist in some kind of gray area between *jural laws* and *political laws*. But whether *procedural political laws* are really *jural laws* or really *political laws* depends upon whether the alleged perpetrator is found guilty or not. Either way, they apply without the defendant's cognitive consent. The rules of court allow the defendant to object to (dissent from) the manner in which the court administers such *procedural political laws*. As the case proceeds, the court decides whether the defendant's objections are valid or not. If the given *jural society*

has entered a contractual treaty with another *jural society* to allow the latter *jural society* to act as a court of appeals, then after a guilty verdict, the defendant could appeal the decision of the first court to the second. The second court would overrule the decision of the first if the defendant's objections in the first court were valid objections to the misadministration of court rules and procedures. So essentially, this system allows the appellate court to decide whether the defendant's objections are valid or not, and to overrule the first court when appropriate. This means that the defendant's cognitive consent / dissent to his/her treatment at the hands of the original *jural society* should be duly considered in the appellate process, as well as in the original jurisdiction. So regardless of whether there is an appellate court or not, the *jural society*'s *procedural political laws* fall naturally into one of two different arenas depending upon the court's verdict and depending upon whether the accused gives cognitive consent to such *procedural political laws*.

If the final decision of the court(s) is that the defendant is guilty, then in effect, the *procedural political laws* used in finding the defendant guilty necessarily fall into the arena of *jural laws* that are grounded in the defendant's pre-cognitive consent to avoid perpetrating *delicts*. If the final decision of the court(s) is that the defendant is not guilty, then the *procedural political laws* used in reaching the not-guilty verdict remain within the arena of *political laws* whose validity in the case is based entirely upon the cognitive consent of the not-guilty defendant. Because the defendant surely did not volunteer, in his/her innocence, to be dragged before the court under the accusation of being guilty of the given *delict*, it's important to examine whether the defendant ever gave cognitive consent to being subject to those *procedural political laws*. If the not-guilty defendant at no time gave his/her cognitive consent to being subjected to those *procedural political laws*, then it appears that these procedures end up perpetrating *delicts* (via handcuffs, arrests, jail time, *etc.*, perpetrated against the innocent). If the not-guilty defendant is not party to the *jural compact*, then he/she never gave cognitive consent to abide by those *procedural political laws*, which means that in this case, those *political laws* were used as accessories to *delicts* perpetrated by agents of the *jural society* against the not-guilty defendant. Because the defendant did not volunteer to be accused, it's crucial to see where his/her cognitive consent to being subjected to those *procedural political laws* comes from, and if it exists at all.

Because it's extremely unlikely that the wrongfully accused, not-guilty defendant volunteered to be accused, and to be thereby subjected to the *procedural political laws* that were used in the trial, it's critical to know if the defendant's genuine cognitive consent came into existence after the trial, and after the court's judgment. If it did not, then from an ideological perfectionist's perspective, that casts a pall over the whole idea of consensual human laws. — It's critical to understand that human law,

especially human law as prescribed by Genesis 9:6, exists only because humans are imperfect. If humans were perfect, then there wouldn't be any need for human law, because in their perfection, humans would not damage other humans. But in their imperfection, humans often damage other humans. To think otherwise is inherently utopian. If there's anything that the human race should have learned over the last century or more of mass democide, it's that utopian conceptions of human government generate dystopia. Under the circumstances, it's very foolish for any human to go through life expecting never to be falsely accused. After the trial, the not-guilty defendant needs to decide whether he/she wants to sue whoever is responsible for the false accusation, or not. If the falsely accused was party to the *jural compact*, then that law suit can proceed *ex contractu* in the *ecclesiastical* court. If the falsely accused was not party to the *jural compact*, then that law suit can proceed *ex delicto*, either in the same or in some other *jural society*. Whoever is responsible for the false accusation may need and deserve to be sued. If so, then such a law suit would in effect be a public service. On the other hand, the falsely accused defendant may simply be tired of legal actions, and may choose instead to simply be grateful that justice was eventually done.

By cognitively consenting to being subjected to those *procedural political laws* after the fact, the not-guilty defendant expresses an attitude that is necessarily a companion to the fact that human law is inherently imperfect because humanity is inherently imperfect. This attitude is a companion to the recognition that justice and freedom have never been free in the entire history of the human race. These court procedures have developed very slowly and begrudgingly over the course of human history. They are crucial to the preservation of natural rights. The price for the development of human law, including these court procedures, has been steep, and it's often been paid in blood. This attitude of being grateful for the existence of these *procedural political laws* is accompanied by the fact that all humans have given pre-cognitive consent to abide by the *positive duty*. Whenever such pre-cognitive consent becomes cognitive, there is recognition that all people have a duty to protect justice, because liberty cannot exist without justice. So all people have a duty to seek justice, to understand it, to work for it, and to be grateful when they find it through these *procedural political laws*. These *procedural political laws* do not come out of nowhere. They come from centuries of blood, sweat, and tears of people fighting for justice in human courts. They come from centuries of earnest prayers seeking wisdom, peace, and justice. Genuine courts of justice exist only through such sincere fortitude. Out of gratitude for having such courts, the falsely accused defendant may display such gratitude by choosing to grant that he/she has cognitively consented to abide by the *procedural political laws* that led to the finding that he/she was not guilty. To spurn those *procedural political laws* as though true anarchy would be better than suffering

under them is certainly available as a choice. But surely pure anarchy would not really be better.

Genuine anarchists may claim that the above argument in favor of *a posteriori* cognitive consent to *procedural political laws* is just more argumentation for the statist mythology. But genuine anarchy doesn't recognize that any human law is necessary. It doesn't recognize that human law develops and evolves through **progressive revelation** in the general sense, meaning **progressive revelation** of the special kind, complemented by the development of "natural theology" in regard to general revelation. Genuine anarchy therefore has no appreciation for the fact that after a century of mass democide, the human race has finally reached a point at which statism must end, along with the most obvious evidence of its existence, confiscatory taxation. But the end of statism doesn't mean the end of human law. It merely shifts sovereignty in human government out of the hands of tyrants into the hands of every human willing to participate in such sovereignty. That shift is another good reason for the falsely accused to be grateful, and to express cognitive consent to being subject to the *procedural political laws*. But if the not-guilty defendant refuses to give cognitive consent to these procedures after having been subjected to them, then he/she still has a presumably valid complaint against whoever is responsible for the false accusation. The false accuser, and everyone who cooperated with him/her, has in fact perpetrated a series of *delicts* against the not-guilty defendant. This certainly points to a weakness in this natural-rights polity, but it's not a weakness that is likely to disappear as long as humans are imperfect, and as long as human law is necessary. Whenever anyone decides to execute justice against anyone else, they run a risk of being wrong. That includes the *jural society* as much as it does anyone else, because all humans are fallible. So there's no way this natural-rights polity, or any other kind of polity, can be perfect, because humans are not perfect. Nevertheless, this natural-rights polity, if properly implemented, would be substantially better than any form of statism. This is because statism inherently presumes that the state is above the law, and perhaps even perfect. Statism is therefore a source of gross delusion. No human or group of humans is above the law, and this is especially true of the posturing crime bosses that are currently trying to transform *de facto* governments around the globe into a single totalitarian regime.

Although *procedural political law* may appear to be a weakness in this natural-rights polity, it is nowhere near as hazardous as *continuity political law*. While violations of *procedural political laws* mark a *jural society*'s misapplication of its procedures, *procedural political law* tends to remain within the arena of actions *ex delicto*, because such violations tend to be remedied through the court's procedures themselves, including through the appellate process, and, if necessary, through

subsequent legal actions. So both *jural political laws* and *jural laws* arise *ex delicto*, that is, in response to, and as triggered by, any given *delict*. *Jural laws* are detailed definitions and categorizations of the various kinds of *delicts*. But because they are included either explicitly or implicitly as terms within the *jural compact*, in some respects, they are administered *ex contractu*, even though they are enforced and adjudicated *ex delicto*. The same is true for *jural political laws*. Although they are triggered, executed, and adjudicated *ex delicto*, in some respects they are administered *ex contractu*. But this fact regarding their *ex contractu* administration is purely tangential to the fact that they are triggered *ex delicto*, and this fact should not be allowed to detract or distract from the fact that they are inherently *ex delicto*.

In contrast to the relatively benign weakness in *procedural political laws*, demonstrated through this hypothetical not-guilty defendant, *continuity political law* marks an area of vulnerability in which conflicts of interest may abound so much that they may be understood to be the source of statism. — It's important to note in passing that administering a contract is the act of attempting to satisfy the obligations of the contract. In contrast, adjudicating a contract is a court's act of attempting to present justice and equity to the parties when the contract has been breached and one of the parties has been damaged by the breach. To avoid conflicts of interest, it's generally prudent to keep the administration of laws separate from their adjudication. This idea was implemented in the organic Constitution of the *united States* as the "separation of powers doctrine".[1]

If a *jural society*'s office-holders slip into thinking it's more important for them to keep their jobs than it is for them to do what their jobs require of them, then working for perpetuity conflicts with the interest defined by their office. In contrast to *continuity political laws*, *procedural political laws* do not generally create a conflict of interest because such rules exist to ensure the proper administration of justice. — Because it's a conflict of interest for *jural continuity political laws* to be administered by the *jural society*, they should be administered by the *social compact*, or perhaps by a board composed of people from both the *social compact* and the *jural compact*. Such conflict of interest is evident by examining taxation and the process of filling offices. — Normally revenue collection, taxation, would form a conflict of interest. If a law society had power to force people to pay taxes, then the people in that law society might be more inclined to collect taxes for the sake of enriching themselves than for the sake of spending exclusively on the purpose of the given society, which is to prosecute either *ex delicto* or *ex contractu*, depending on the type of law society.

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1 One of the sure signs of national decline exists in the fact that an entire administrative (read bureaucratic) fourth branch of the general government now exists in violation of this doctrine.

But the fact that under the natural-rights polity, taxation is entirely voluntary, removes this conflict of interest. So the conflict of interest ceases to exist in regard to revenues to those societies. But the conflict of interest still exists in regard to expenditures. Agents of these law societies might still be more inclined to spend the society's money on their own self-glorification than on the purpose for which the society exists. This is obviously a good reason to have some kind of oversight on the expenditure process by people who are more-or-less disinterested, like this kind of oversight board.

For reasons that should be obvious shortly, if they're not already obvious, both *procedural political laws* and *continuity political laws* must exist in both the *ecclesiastical society* and the *jural society*. In both of these societies, *procedural political laws* should be subject to appeal. Because the *social compact* does not exist to adjudicate controversies, but for administrative purposes, there's no reason for a *social compact* to have *procedural political laws*. But all three kinds of compact need *continuity political laws*. *Continuity political laws* are inherently administrative, rather than adjudicative. — For both the *jural* and *ecclesiastical* societies, office filling might entail a conflict of interest, and should therefore be administered by the *social compact*, or by an oversight board composed of agents from both the *social compact* and the law society. — If someone in office is up for re-election, he/she might be tempted to use society funds to ensure re-election. That temptation constitutes a conflict of interest, and such a conflict demands oversight from people more disinterested.

At least four mechanisms are crucial to a *jural society*'s proper implementation of its *continuity political laws*: (i)the allowance for *denizenship* for people who refuse to be party to the *jural compact*; (ii)the citizen's prior cognitive consent to abide by majority rule with regard to *continuity political laws*; (iii)the administration (as opposed to adjudication) of the *jural society*'s *continuity political laws* via the *secular social compact*, or via some unbiased, informed, and disinterested board composed of agents of both *jural compact* and *social compact*; and (iv)the adjudication of the *jural society*'s *continuity political law* disputes in an unbiased *ecclesiastical* court.[1] — If it's understood that the *jural society* is being presented here as a prototype for both the strictly defined *ecclesiastical society* and the strictly defined *secular social compact*, then it should be simple to understand that much of what's generally true for the *jural society* is also generally true for these other societies and compacts.

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1 Such an *ecclesiastical* court is a starting place for such adjudication between parties to the *jural compact*. But if fraud is discovered, then the case must shift to a *jural society*, because fraud is a *delict*.

(i)allowance for *denizenship*: There may be numerous people within a *jural society*'s geographical jurisdiction who refuse to consent to the *jural society*'s *continuity political laws*, to some or all of its other laws, or for any number of different reasons. If people who consent to being party to the *jural compact* call themselves "citizens", then it's reasonable for such citizens to recognize the class of dissenters by some other label, where this other label is defined to acknowledge that the dissenters retain their full natural rights. For lack of better nomenclature, this exposition calls such dissenters "*denizens*". The word *denizen* has a long history in Anglo-American law, but it has always been tainted by a statist bias, as is evident in the following definition:

> *denizen* — In English law, a person who, being an alien born, has obtained … letters patent to make him an English subject … A denizen is in a kind of middle state between an alien and a natural-born subject, and partakes of the *status* of both of these. … In American law, a dweller; a stranger admitted to certain rights in a foreign country or as one who lives habitually in a country but is not a native born citizen; one holding a middle state between an alien and a natural born subject. … A denizen, in the primary, but obsolete, sense of the word, is a natural-born subject of a country.[1]

It's clear from this legal definition that this word does not properly coincide with the legal status of one dwelling in a *jural society*'s geographical jurisdiction who refuses to be a citizen. In some respects, it might be true that person A has "a kind of middle status between an alien and a natural-born subject, and partakes of the status of both of these". But there are serious problems in calling person A a "subject".[2] Person A may be "natural-born", and if so, is certainly a "natural-born" "dweller".

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1 **Black's 5th**, p. 391.

2 A subject is, "One that owes allegiance to a sovereign and is governed by his laws." (**Black's 5th**, p. 1277) As this definition indicates, the word "subject" implies the existence of a human sovereign, while the natural-rights polity does not posit such an existence. The problem is compounded by assuming that the subject owes allegiance to this sovereign. — This is a primary point at which to mark the distinction between jurisprudential libertarianism and metaphysical libertarianism. Under metaphysical libertarianism, every human has "free will", but is necessarily *subject* to God's will. This is because it's impossible for any creature to exist outside the purview of the Creator's will. The human's jurisdiction is necessarily a subset of God's jurisdiction. On the other hand, humans are not God, and no human has an automatic jurisdiction over any other human. So no human is inherently *subject* to any other human under jurisprudential libertarianism. Under jurisprudential libertarianism, lawful *subjection* by one human to another can only happen *ex contractu* or *ex delicto*, not by bloodline, birth location, or willy-nilly. For more

As indicated above, there is a need for a status that is not that of a citizen of a *jural society* (*i.e.*, not a cognitively consenting party to the *jural compact*), even though the person was born and dwells habitually within the *jural compact*'s geographical jurisdiction. This "middle state" is necessary because citizens become citizens by cognitive consent, not by birth and not by force. Birth may create the option for citizenship, but only cognitive consent can actually create *de jure* citizenship. In any genuine *social compact* theory of government, cognitive consent is the glue that holds the system together, not force.

In the historical origins of the American "confederate republic", law held that *natural-born* citizenship existed by way of *jus sanguinis*, literally, "right of blood". So a human of European descent who was born within the territorial jurisdiction of one of the confederated States was considered by such State to be a citizen, and the federal judiciary followed the State's lead, and recognized that person's State citizenship. But the States often denied citizenship to humans of African, Asian, or Native American descent born within the given State. In 1857, this variety of *jus sanguinis* was officially and explicitly adopted by the federal judiciary by way of *Dred Scott v. Sandford*.[1] After the War Between the States, American law shifted so that it rejected *jus sanguinis* and adopted *jus soli* instead. *Jus soli* literally means, "right of land", and citizenship based on *jus soli* is citizenship based entirely on place of birth. It is essentially a feudal concept. But since the adoption of the 14th Amendment, *jus soli* is essentially the *de facto* law of the land. — There are huge problems with both *jus sanguinis* and *jus soli*. Both deny or neglect cognitive consent as a prerequisite to citizenship.[2]

There is clearly the possibility that a person born within the geographical jurisdiction of a *jural compact* could refuse to consent to citizenship therein because of some conflict of conscience. Such a person is not a *denizen* according to the Anglo-American legal definition of that term. In England in Blackstone's day, a *denizen* was a human who was born an alien, who was given a status by the monarch that was more than that of an alien, but less than that of a "subject". Even though there is a need in this Bible-based system for a legal status that is between that of citizen and that of alien, there are attributes of both the English and the American

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about this, see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

1 60 U.S. 393 (1857) — URL: http://supreme.justia.com/us/60/393/case.html, retrieved 5 August 2016.

2 See Porter, **Theological Inventory of American Jurisprudence**, commentary on Article IV § 2 clause 1 of the u.S. Constitution, the "Privileges and Immunities Clause". — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_5_Art_IV-VII.htm.

legal definitions of *denizen* that make the word inappropriate in the *metaconstitution*. One huge problem is that if the *united States* is a *de jure secular social compact*, even though it certainly has citizens, it cannot have subjects. American case law indicates that the *de facto* American system does not have subjects,[1] especially according to Chief Justice John Jay's opinion in *Chisholm v. Georgia* (1793):

> [A]t the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects …, and they have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.[2]

So given that *denizen* is a word that denotes a legal status between alien and subject, in the *united States*, it is more appropriately a status between alien and citizen. In the *metaconstitution* it is also more appropriately a status between alien and citizen because there is no place for subjects under the *metaconstitution*.

In the *de facto* American system, citizens can be either *naturalized* or *natural born*. In the *de jure* system, regardless of whether they are *naturalized* or *natural born*, they are citizens only by way of their cognitive consent. But in the *de facto* system, they can be citizens regardless of their consent. Putting a premium on cognitive consent entails making allowances for dissent. So there is absolutely a need to identify the legal status of one who is *natural born*, but refuses citizenship based on conscience, or for whatever reason. The same status needs to be available to the *naturalized* inhabitant of the territorial jurisdiction, for the same reason. To satisfy all the demands of this in-between legal status, this exposition's nomenclature identifies the status as that of a *denizen*, but with necessary changes in the definition.

> *denizen* — A person *natural born* in a country who has not consented or acquiesced to citizenship status, or a person who was a *naturalized* or *natural-born* citizen who rejected citizenship while continuing to dwell in the territory of the rejected law society.

It's necessary to use this customized definition of "denizen" because there is apparently nothing in the American legal lexicon that is equivalent.[3] The "primary, but obsolete" definition of *denizen* turns the *natural-born* person automatically into

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1 In spite of this, the *de facto* system creates *de facto* subjects by creating citizens without their consent. Forced citizenship is essentially forced subjection / subjugation.

2 2 U.S. 419, 471 (1793). — URL: http://supreme.justia.com/us/2/419/case.html, retrieved 5 August 2016.

3 Examination of expatriation makes it obvious that the current concept of expatriation is also inappropriate.

a subject. The more modern definition, as "one holding a middle state between an alien and a natural born subject" is equally inappropriate for the same reason. — The *denizenship* status is necessary because as long as humans are fallible, *secular social compacts* will virtually never have unanimous consent to participation. Because of this, the allowance for *denizenship* is a prerequisite to the existence of a lawful *secular social compact*, and to the existence of the *social compact*'s two subtending public compacts. Given that humans are as fallible as both the Bible and the evidence of the senses portray them to be, it's obvious that human governments are prone to being equally as fallible. Given the extraordinary fallibility of human government, it's critical that people who dissent against such government have protection against this propensity of governments to go rogue. That is precisely why *secular social compacts* need to allow and protect *denizenship*. *Denizenship* is a status that should be available to anyone who is *natural born* or *naturalized* within a *secular social compact*'s geographical jurisdiction, but it should not be available to aliens, except after aliens have converted their status to *naturalized* citizen by going through a *naturalization* process. — Even though these statements about *denizenship* in a *secular social compact* are reasonable, it does not necessarily follow that a *religious social compact* must allow *denizenship* within its geographical jurisdiction. Even though a *religious social compact* should always have a *jural* sub-compact, whether a given *religious social compact* allows *denizenship* or not should be determined by two things: (i)Because allowance for *denizenship* is the default under a *jural compact*, there must be unanimous consent in the *religious social compact* in order to deny *denizenship*. (ii)If the citizens of the *religious social compact* opt to deny *denizenship*, then they must be able to prove in a lawful *jural* court that at least one of two circumstances prevails. They must be able to prove that any given would-be *denizen* is a threat to their *religious* society as long as the would-be *denizen* exists within their geographical jurisdiction. Or, they must have a lawful *land covenant* that is coextensive to their geographical jurisdiction, and they must be able to prove that the would-be *denizen* is *trespassing*. The latter approach is probably much more effective. Geographical jurisdiction is not the same thing as ownership. Proving *trespass* is probably much easier than proving that a would-be *denizen* is a threat.

In conclusion: When there is cognitive dissonance between a person's pre-cognitive consent to abide by Genesis 9:6, on one hand, and the person's cognitive dissent against participation in a *jural compact*, on the other, it's reasonable for the dissenter to be able to opt out of citizenship and complete participation in the *jural society*, as long as the *jural laws* remain in force against the dissenter as much as against anyone else. Human governments are so prone to jurisdictional dysfunction that it's reasonable for every *jural compact* to have a built-in safety valve, where such

safety valve exists through what this exposition calls the "*denizen*". *Denizenship* is especially important when the *jural society* is prone to exercise confiscatory taxation.

(ii)prior consent to majority rule: Because, in many respects, American democracy has been an abysmal failure, the reader may wonder why this list of essential mechanisms includes majority rule. Government by consent and democracy are two radically different forms of government. The popular understanding of democracy is that it is majority rule, but with an unarticulated corollary that it neglects natural rights. Government by consent is necessary to giving due regard to natural rights because consent / dissent is a necessary attribute of natural rights. If, as part of a given person's participation in an agreement, the person gives prior consent to abide by the majority rule of those party to the agreement, for as long as he/she is party to the agreement, then this is a form of democracy that is first government by cognitive consent. In *secular* environments, prior consent to abide by majority rule is valid as long as the consent to abide by majority rule doesn't perpetrate *delicts* or violate the title-transfer theory of contracts. As indicated in the "Social Compacts" section above, the title-transfer theory holds within *secular* jurisdictions, while the promise-expectation theory holds within *religious* jurisdictions. Why this is so, and what the differences are between these two legal theories regarding contracts, is explored further in Porter, **A Memorandum of Law & Fact about Contracts**. In *religious* environments, the laws of the given *religion* dominate, and the promise-expectation theory of contracts will probably prevail rather than the title-transfer theory. But in *secular* environments, the title-transfer theory necessarily prevails. Under the promise-expectation theory, a mere promise, without any transfer of title to physical property, is enough to constitute a lawful contract. Under the title-transfer theory, a contract that lacks a transfer of physical property cannot be recognized in a lawful *secular* court. Consent to abide by majority rule is obviously enforceable under the promise-expectation theory. But under *secular public contracts*, the title-transfer theory keeps prior consent to majority rule from being as readily enforceable. Nevertheless, in both *secular* and *religious* environments, majority rule as a function of prior consent is a necessary substitute for unanimous consent because unanimous agreement is rare. But majority rule devoid of prior consent to abiding thereby is merely "two wolves and a sheep voting on what's for dinner". It inherently neglects natural rights, and that's precisely why democracy doesn't work when it doesn't prize consent and natural rights more highly than majority rule.

Given that this relationship between natural rights, consent, and majority rule, is fully understood and appreciated, it becomes clear that majority rule is a useful, and probably a necessary, attribute of a law society's administration of its *continuity political laws*. So this exposition is proposing that one of the core

mechanisms in the administration of these law societies is prior consent to abide by majority rule. Majority rule without people's prior consent to abide by majority rule is prescription for dictatorship by a majority. But majority rule when people have given prior consent to abide by majority rule is genuine government by consent of the governed. A person would give cognitive consent to abide by majority rule in the administration of *continuity political laws* because participation in the society would be more important than variations in the ways such *laws* could be administered. Likewise, a person would give prior cognitive consent to pay *jural* taxes as long as the taxes were reasonable, which leaves open the possibility for a dispute over reasonableness. Obviously, such issues demand answers to questions like:

(i) How are a *jural society*'s *continuity political laws* to be administered?

(ii) How are disputes over its *continuity political laws* to be adjudicated?

(iii) How are *jural* taxes to be collected?

(iv) Because *jural* taxes are entirely voluntary, there shouldn't need to be any need for adjudication of tax disputes, because there wouldn't be any, because they would always be voluntary. But there's plenty of danger of spending disputes. How would spending disputes be adjudicated?

The first two items in this list will be addressed in the administration and adjudication segments below. The latter two will be addressed in this segment on majority rule, but only after addressing majority rule more thoroughly.

When the people in a vigilance committee contemplate the formation of a *jural compact*, they face this problem of how to ensure the *jural society*'s indefinite duration. In history, this problem has almost always been solved by using force against anyone who hinted that they might not cooperate. Before the formation of the *united States* and the popularization of so-called "democracy", people were generally not consulted, and strongmen generally did whatever they thought best. In the history of Christendom, such strongmen have often whitewashed their foul deeds with "blessings" from the *de facto* leaders of the visible Church. With the formation of the American "confederate republic", democracy, meaning pseudo-consensual majority rule, was adopted as a mechanism that would presumably facilitate government by consent. But among the numerous problems with this concept of "representative democracy", there is one that stands out as most rudimentary. If person A refuses to consent to abide by majority rule, then how does the society at large gain lawful power to enforce its *jural continuity political laws* against person A? Without prior consent, there is no way. As long as unanimous consent about every issue is not a realistic option, prior cognitive consent to abide by majority rule is a prerequisite to genuine government by consent. Without prior cognitive consent, majority rule simply turns into another breed of dictatorship. This indicates two other problems. First, how

does this prospective *jural society* get cognitive consent from person A in regards to operating by majority rule in regards to the *jural society*'s *continuity political laws*? Assuming that the *jural society*'s *continuity political laws* are administered by some kind of board or committee that operates at the interface between a *secular social compact* and its subtending *jural compact*, this question gets converted into another: How does the board / committee get such cognitive consent? Second, what kind of legal status will person A have if he/she refuses to consent to abide by majority rule, or to even participate in the *jural society*?

The answer to the first question is simple. Contracts are formed when one human makes an offer to another, the offer is accepted, and each party puts up some consideration. In the case of a *jural compact*, every party administers the offer, acceptance, and consideration to every other party. The consideration in this case would be something like this: Person A agrees to assume some obligation whose performance will help enable the *continuity political law*. Person B and every other member of the *jural society* acknowledges person A's participation. But the real administration of person A's participation in the *jural society* is handed over to this board / committee at the interface between the *secular social compact* and the *jural compact*. So the answer to the first question is that the *jural society* gets person A's consent to abide by majority rule in regard to the *jural society*'s *continuity political law*, whenever person A accepts the offer. This is because the offer stipulates majority rule, and acceptance contains an oath to abide by majority rule. In this way, prior consent to abide by majority rule actually exists, and majority rule is not foisted on everyone without any genuine consent from anyone, as is done in the present *de facto* system.[1]

Given that the people forming the *jural society* acknowledge that *denizenship* is a valid status, the answer to the second question is also fairly simple. If someone has lived within that geographical jurisdiction his/her entire life, has reached the age of majority, and still refuses to consent to majority rule or to become party to the *jural compact*, then that person is a *denizen*. If an alien immigrated into the geographical jurisdiction, but did so before the *jural society* was formed, and this alien refused to participate, then this person would also be a *denizen*, rather than an alien. *Etc.*

Because a *secular social compact* is by definition pluralistic, it's inherently unrealistic to expect any vote on any *continuity political law* to result in unanimous approval. As long as the results of any given vote don't result in a conspiracy to

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1 Objections to this proposal from exponents of the title-transfer theory of contracts are reasonable and must be addressed. They are addressed primarily by Porter, **A Memorandum of Law & Fact Regarding Natural Personhood** and **A Memorandum of Law & Fact about Contracts**. — URL: http://BasicJurisdictionalPrinciples.net.

perpetrate *delicts* against anyone, the dissenting faction, along with all those committed to *a priori* dissent (*denizens*), should not be victims of *delicts* perpetrated under *color of law*. But if the majority votes to fund the *jural society* through forced taxation, then this would clearly be a conspiracy to perpetrate theft against anyone not in the majority. *Jural* taxes must necessarily be voluntary. It's reasonable for a *jural society* to make reasonable efforts to inform the people within its geographical jurisdiction about the needs of the *jural society*. If the *jural society* is lawful, then it's reasonable for people in that geographical jurisdiction to fund it. But it's not reasonable for the *jural society* to force anyone to pay *jural* taxes.

It's reasonable for a *jural compact* to stipulate that its citizens be required as part of their oath of citizenship to commit themselves to abide by majority rule in regards to the *jural compact*'s *continuity political laws*. Because such an oath might be odious to someone *natural born* or *naturalized* in the geographical jurisdiction, the terms of the *jural compact* should allow this kind of human being to opt out of citizenship and to be a *denizen*.[1] No one in the *jural society*'s geographical jurisdiction should be allowed to opt out of duties and benefits that arise from laws / terms of the *jural compact* that emanate directly from the *negative-duty clause*, *i.e.*, from *jural laws*. Such duties include exclusively blanket proscription of all *delicts*. Such benefits are those that arise from living in a *delict*-free society. On the other hand, no one should be forced to opt into the duties and benefits of the *positive-duty clause*. This is because the *positive-duty clause* has no penalty, and therefore obedience to that duty cannot be enforced through globally prescribed human law. Such duties include things like acting as a policeman, a judge, or a prosecutor, or acting as any of these agents by proxy, where the proxy exists through funding such activities. — The capacity to opt out, and to become a *denizen* within the *jural society*'s geographical jurisdiction begs a question: What does the *denizen* gain by becoming a *denizen*? If the *jural society* makes no pretense to being committed to being *de jure*, then the answer is, "Probably nothing other than the knowledge that one is not aiding and abetting criminals operating under *color of law*." But if the *jural society* does claim to be *de jure*, in this *metaconstitutional* sense of that expression, then claiming *denizenship* is comparable to posting one's property with "No Trespass" signs. It acts as a warning to *trespassers* that they will be prosecuted, perhaps summarily. If one understands that *de jure* government excludes practically all of the existing assumptions about the statist mythology, then one knows that the *trespass* against a *denizen* can be

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1 For more on this *metaconstitution*'s application of *denizenship* to the *constitution*, see Porter, **Theological Inventory of American Jurisprudence**, commentary on Article I § 8 clause 4 of the u.S. Constitution, "Alienage & Naturalization". — URL: http://BasicJurisdictionalPrinciples.net/0_TIAJ/0_2_1_3_Art_I_Sec_8_Cl_4.htm.

prosecuted far more under *de jure* government than under the existing statist regime. — If *denizenship* has these qualities under a *de jure secular social compact*, then that begs another question: What does the citizen gain by becoming a citizen? All humans are called by the *positive-duty clause* to implement *de jure* government. The citizen's payoff is his/her knowledge that he/she is doing what he/she is called to do. The *denizen* is merely a conscientious objector, acting as a goad to the rest of the community, but doing little or nothing to satisfy this primordial calling – other than obeying the *negative-duty clause*. In contrast, the citizen has the capacity to vote, to be on a grand jury, to be on a petit jury, to be an officer of the court, to hold public office, all of which are critical to the success of the *secular social compact*.

While it's clear that a *jural society* and a *secular social compact* have no lawful authority to deport a *denizen*, it might not be so clear that they also have no lawful authority to deport an alien, unless the alien has committed a *delict*. Deportation that is neither *ex delicto* nor *ex contractu* is inherently outside the lawful jurisdiction of all *secular social compacts*. The *ecclesiastical compact* can only get jurisdiction over an alien by way of the alien's participation in a contract being adjudicated by the *ecclesiastical society*. So there is a *prima facie* appearance that the *secular social compact* is extremely vulnerable to being inundated by waves of aliens. If aliens cross a border between two geographical jurisdictions, where each jurisdiction is clearly committed to the natural-rights polity, and the immigrating aliens are acculturated to the jurisdiction they're exiting, and if they show no sign of being inimical, then it's probably true that the *secular social compact* can do practically nothing lawful to stop the immigration. On the other hand, if the aliens are crossing a border from a jurisdiction that has no commitment to the natural-rights polity, into a jurisdiction that DOES have such a commitment, and if they are acculturated to the jurisdiction they're exiting, then the aliens are inherently a threat to the natural-rights-polity-honoring society. Unless the aliens are clearly identified as refugees, on a person-by-person basis, a flood of aliens from an inimical territory is inherently a threat, and therefore a *delict* perpetrated by each alien. The *jural society* is therefore lawfully authorized by the circumstances to address the threat according to the life-for-life proportionality, and thereby to do whatever is necessary to stop the flood. — If an alien chooses to lawfully immigrate from a jurisdiction that is not committed to the natural-rights polity, into the jurisdiction of a lawful *secular social compact*, then, depending upon the length of time the alien stays in the lawful jurisdiction, there should be some kind of voluntary supervision of the alien's stay by citizens knowledgeable about the natural-rights polity who would act as sponsors and teachers of the alien. — Limitations on immigration from inimical territories exist further on another basis. The vast majority of the land over which a stand-alone *secular social compact* has geographical jurisdiction is privately owned, which means that

it would be extremely difficult for an alien to enter into such territorial jurisdiction without *trespassing* on someone's land.[1] Such *trespass* would certainly be grounds for deportation because it is a *delict*. Furthermore, if the country from which the alien comes has no explicit commitment to abide by the natural-rights polity, then it would be foolish for such a *secular social compact* to assume that someone crossing into its geographical jurisdiction from this foreign country, without going through the proper channels, was not inimical. Being inimical, the alien is a threat, and a threat is a *delict*. So the *jural society* has jurisdiction under such conditions, and therefore power to deport.

Under present circumstances, it's normal for people to suffer cognitive dissonance between paying confiscatory taxes and their knowledge that they're paying for boondoggles and sundry political vices. In fact, people are accomplices to massive criminal operations that have taken over the government. It's absolutely critical to pull the plug on the crime. So in addition to confiscatory taxation being unlawful according to a strict **exegesis** of Genesis 9:6, it's also necessary to reject it from a practical perspective. *Jural* taxation is necessarily voluntary, or else it's perpetration of theft under *color of law*. So there's this conundrum about how *jural societies* are to be funded. The only solution to this problem that's consistent with the primordial duties, is for them to be funded by people voluntarily, where the people's motives are the same as those that motivate the formation of lawful vigilance committees. People must be motivated by a sincere desire for justice and righteousness, with righteous indignation against *delict* perpetrators.

(iii)administration of other *continuity political laws*: To recapitulate, in order for a vigilance committee to transform itself into a *jural society*, there has to be some mechanism for filling offices like sheriff, judge, prosecutor, *etc.* As indicated above, the mechanism within a pluralistic environment like that defined by a *secular social compact*, is election governed by natural-rights-honoring majority rule. Given that natural rights are clearly defined, and that prior consent to abide by majority rule is a prerequisite to voting, this solution to this continuity problem is similar to the voting process that has existed in the *united States* from its early days. The main difference is rigorous adherence to jurisdictional boundaries, especially the rigorous limitation of subject-matter jurisdiction to actions *ex delicto* and *ex contractu*. So

1 It should be noted that there is a natural right to travel. Given that there is no thoroughfare available, it might be necessary for a traveler to travel across private property, as long as he/she can do so without doing damage. But if the traveler is an alien coming illegally from someplace that has no commitment to the natural-rights polity, then that right to travel is overridden by the fact that the immigration, by itself, is a threat, and therefore a *delict*.

this voting process should be administered *ex contractu* by the *social compact* for offices within the *jural society*, or it should be administered by a board composed of agents from both the *social compact* and the *jural compact*, where none of the agents from the latter are up for election.

(iv)adjudication of *continuity political laws:* Merely having an *ecclesiastical society* available to adjudicate disputes arising from *jural continuity political law* is not sufficient to make sure that *jural continuity political laws* are lawful. The *continuity political laws* need to be structured so that they're not prone to turning the *jural society* into a *delict*-perpetrating protection racket. They need to be structured so that they're not prone to being disputed.

Because the *jural society* exists exclusively to prosecute *delicts*, if it adjudicates *continuity political laws* that exist exclusively to assure the *jural society*'s perpetuation, then there is an inherent conflict of interest. Because disputes over a *jural society*'s *continuity political laws* are inherently actions *ex contractu*, such disputes need to be adjudicated by the *ecclesiastical society*, not by the *jural society*.

It's clear from the line of reasoning that has been followed thus far, that the separation of powers doctrine leads to the conclusion that *continuity political laws* in both the *jural* and *ecclesiastical* compacts need to be administered by some entity other than these two compacts. Following the separation-of-powers doctrine, it's critical for this entity to be free from being influenced by either the *jural society* or the *ecclesiastical society*. Because this is simply the entity that makes the *jural* and *ecclesiastical* compacts functional as perpetual entities, this *continuity-political-law* administering entity is simply the narrowly defined *secular social compact* exclusive of the *jural* and *ecclesiastical* sub-compacts, or it's a board composed of neutral agents from these compacts. This *political* entity simply administers *continuity political laws* to make the two sub-compacts function as they should. It administers the *continuity political laws* in each of the two sub-compacts, or such administration happens through boards / committees, as already mentioned.

There's an important question about whether the *continuity political laws* that are terms of a lawful *jural compact* have the attribute of being *public*, or *private*. It's certain that the *jural laws* are *public*, meaning that they apply to everyone without exception. But because the *jural compact*'s *political laws* are not subject to pre-cognitive consent, but only to cognitive consent, there is inherently the possibility that such terms are *private*, and not *public*, because some dwellers within the geographical jurisdiction might refuse to consent to them. Regardless of whether the *jural compact*'s *political laws* are *public* or *private*, it's reasonable that the *ecclesiastical society* that is the sister sub-compact of the given *jural society*, would have jurisdiction over the adjudication and enforcement of both *public* and *private contracts*. This means that it would

have jurisdiction over *continuity political laws* that are terms of the *jural compact*, regardless of whether those terms are *public* or *private*.

According to a strict construction of the biblical covenants, the strictly defined *ecclesiastical society* pertains to legal actions *ex contractu*, and only to legal actions *ex contractu*. So it has no more lawful authority to administer contracts than it does to prosecute *delicts*. The strictly defined *ecclesiastical society* exists to adjudicate both *public* and *private contracts*, and to enforce its judgments that pertain to such *contracts*. But it's inherently *ultra vires* for a strictly defined *ecclesiastical society* to administer a contract when no legal action exists. The only possible exception to this rule is an *ecclesiastical society*'s administration of some *political laws* that exist in its *ecclesiastical compact*. Some *ecclesiastical political laws* pertain to the day-to-day operation of the *ecclesiastical society*, like rules of court and rules of evidence. So the strictly defined *ecclesiastical society* necessarily has its own variety of *procedural political laws*. It certainly doesn't create any inherent conflicts of interest for the *ecclesiastical society* to enforce such *procedural political laws*. On the other hand, *ecclesiastical continuity political laws*, like those that pertain to the election of judges, would certainly create conflicts of interest if they were administered by the *ecclesiastical society*. For the latter, there is an inherent conflict of interest for the strictly defined *ecclesiastical society* to be involved in the administration of such *ecclesiastical continuity political laws*. So it's reasonable for the *social compact* to administer such *ecclesiastical continuity political laws*, or for them to be administered by some board composed of agents from the *social compact* and the *ecclesiastical compact*.[1]

So the strictly defined *ecclesiastical compact* is available to adjudicate controversies that arise out of *jural* and *social continuity political laws*. But if an action *ex contractu* arises out of *ecclesiastical continuity political laws*, then it's reasonable for the *ecclesiastical society* to recuse itself, and for the controversy to be tried in some other *ecclesiastical society* in some other *social compact*.

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1 It's important to note in passing that the broadly defined *ecclesiastical society* within a *secular social compact* immediately encompasses only *private contracts*. The broadly defined *ecclesiastical society* within a *religious social compact* immediately encompasses *private contracts*, but it also encompasses at lease one *public contract* that is publicly administered (meaning public within the *religious social compact*, but not outside it). So in the *secular social compact*, the broadly defined *ecclesiastical society* doesn't administer anything, while in the *religious social compact*, the broadly defined *ecclesiastical society* administers at least one *public contract*. In neither case does the broadly defined *ecclesiastical society* adjudicate anything.

(3) How a Stand-Alone Secular Social Compact Might Arise:

Suppose two vigilance committees are each trying to metamorphose into a *jural society*. Suppose they both claim the same geographical jurisdiction. Suppose these two groups are extremely suspicious of one another, perhaps even paranoid. If both groups are genuinely committed to the bare minimal jurisdiction of a lawful *jural compact*, then they should be flexible enough with one another, and able to subdue their paranoia well enough, so that they can avoid perpetrating *delicts* against each other. On the other hand, the most dismal outlook on how to build *jural societies* and *secular social compacts* says that they will not overcome their paranoia and their will to dominance, but they will rather go to war with each other and kill each other off with huge "collateral damage". If humanity in general is this psychopathic, then there must be some erroneous assumption in this line of reasoning from Scripture, where this erroneous assumption links the development of human law with the take-aggregate-dominion creation ordinance. On the other hand, if humanity in general is not this psychopathic, and if humanity in general has the good sense to at least attempt to follow the natural-rights polity, even if it's only known intuitively, then it's reasonable to assume that the two groups will try to work out their differences peacefully.

Universalism is certainly absurd.[1] Evidence from practically every sector, other than the Pollyanna zone, indicates that it's silly to think that every human will be saved, in the ultimate sense of that word. The problem of universalism obviously exists within the immediate purview of natural law, and not within the sub-arena of human law. In contrast to universalism, the claim, within the immediate purview of human law, that it's naive to hope for widespread implementation of the natural-rights polity suffers from delusion comparable to universalism. In fact the take-aggregate-dominion creation ordinance is clearly still in effect and has not been abrogated. But universalism has been silly ever since the fall. Because the natural-rights polity is a crucial function of the process of taking aggregate dominion, refusal to pursue the natural-rights polity inherently misses the mark. Refusal to accept the natural-rights polity as a societal goal worth pursuing, and even as a necessary aspect of human development, is by default acquiescence to the statist status quo. It is acquiescence to the maintenance of a yoke on the human race in the form of a caste system, where the caste system is composed of masters and slaves, statist insiders and statist outsiders. Even though all people will not be saved

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1 In this context, universalism should be understood to be the erroneous doctrine that all people are saved, that all people are ultimately reconciled to God and natural law, and no one ultimately goes to hell. — See Porter, **Theodicy**, Part III, Chapter B, Sub-Chapter 1, "*Soteriology*". — URL: http://BasicJurisdictionalPrinciples.net.

in the ultimate sense of that word, the natural rights of even the doomed must be treasured because all people, including the doomed, are created in God's image, being endowed with the *imago Dei*. No human knows, in the ultimate sense, who is saved and who is not. It's certainly possible to know what thoughts, speech, and behavior promote salvation, in the ultimate sense. But it's gross delusion for any human to claim he/she knows who will be saved and who won't be, in this ultimate sense. It's certainly possible for the Christian to have some faithful assurance about some things, but faithful assurance doesn't pass as knowledge in a *secular* milieu. It's important for people in general, regardless of *religion*, to supplant statism by implementing the natural-rights polity. Promoting natural rights is inherently better than maintaining a system of slavery. Although the intricacies of ultimate salvation are completely foreign to people who are short on exposure to biblical Christianity, the principles of the natural-rights polity are so much a part of common grace that people from every background can grasp them easily. So it's reasonable to assume that these two vigilance committees that share this geographical jurisdiction will not be hasty in initiating violence against one another, even though they are admittedly operating in a *secular* milieu. This is not because human nature is inherently good, but because they have an at least intuitive grasp of the natural-rights polity because the principles thereof are inherently part of being human and are built into every human's conscience.

If all parties involved in these two vigilance committees comprehended and complied with the natural-rights polity, then all parties would avoid the perpetration of *delicts*. Obviously, this is a necessary prerequisite to the establishment of the natural-rights polity. Rather than fight for dominance, as has been the historical norm in similar circumstances, all parties in both groups would at least attempt to follow the principles of the natural-rights polity. This means that if they preferred minimal interaction, each law society would tolerate the other in this shared geographical jurisdiction. This may also mean that if they could tolerate more than minimal interaction, they would carry on discussions with one another aimed at discovering terms of a compact that would unite the two vigilance committees into a single *jural compact*. Suppose that those in the two vigilance committees enter into negotiations and eventually agree to most of the terms of a unifying *jural compact*. Suppose they come to terms about everything, except the *continuity political laws* regarding funding. So the two vigilance committees agree to form a single *jural compact* with the single geographical jurisdiction, except that they cannot agree to the nature of *jural* taxation. Suppose the problem is that one of these vigilance committees is composed primarily of minarchists, and it therefore does not genuinely adhere to the natural-rights polity as it pertains to *jural* taxation. In contrast, the other vigilance committee is not minarchist, and is genuinely committed to the natural-rights

polity, including voluntary taxation. — Increasingly, Americans genuinely oppose the current *de facto* governments because these governments are increasingly rogue. Increasingly, such Americans are forming a faction where the people in this faction generally claim to be "libertarian", "constitutionalist", "populist", "nationalist", *etc*. Because this opposition coalition is characterized far more by minarchist beliefs than by beliefs in the natural-rights polity, it's important to examine the ideological forces at work in the discussions between these two hypothetical vigilance committees, assuming both of these committees are part of this faction. Examining these ideological forces should be essentially an examination of the differences between the natural-rights polity and minarchism.

The vigilantes who are committed minarchists believe that all people are obligated to pay taxes, and so they believe that *jural* taxation should apply to every adult within the territorial jurisdiction, regardless of whether any given person consents to the tax or not. The minarchists agree with the natural-rights polity that the revenues from *jural* taxation should be spent to prosecute *delicts*, and only to prosecute *delicts*. They agree that these expenses include the costs of paying those prosecuting the *delicts* and the costs of bare-minimal *continuity political laws*. So the two sides agree that these costs will be paid out of these tax funds. The minarchists claim that because there is a direct linkage between taxing and spending, where spending is limited to such prosecution of *delicts*, *jural* taxation will amount to a pittance to each person with capacity who dwells within the geographical jurisdiction of the proposed *jural compact*. The minarchists claim that such extraordinarily low tax rates will mean that the people living within this geographical jurisdiction will be vastly better off than they've been under the *de facto* government. The minarchists also cite the fact that the people within the geographical jurisdiction are habituated to paying taxes. They claim that because people are accustomed to being forced to pay taxes, if *jural* taxation ever became utterly voluntary, the people would not pay, and the *jural society* would go unfunded. — To counter these minarchist arguments for forced taxation, the vigilantes who adhere to the natural-rights polity argue that what the minarchists are proposing is nothing more than a protection racket. They claim that by forcing the people to pay, they will be perpetrating *delicts* against the people, and they will be setting a precedent to re-establish precisely the same kind of caste-based government from which both groups of vigilantes are trying to escape. Natural-rights advocates claim that if the *jural society* adopted forced taxation, in so doing, the *jural society* would be setting itself above the law, because the *jural society* members would in effect be claiming that it's good for them to steal from the people within their geographical jurisdiction, while it's not good for the people to steal from each other. — Suppose that by carrying on this discussion long enough, the minarchists eventually admit that forced taxation is theft, because the rationality behind that

argument is undeniable. Nevertheless, the minarchists refuse to abandon forced taxation because they claim the people are too stupid to pay voluntarily, and they claim that for precisely that and similar reasons, the minimal state must exist.

This little scenario divulges persistent difficulties in transitioning from statism to the natural-rights polity. Similar difficulties have marred Christian history throughout this religion's existence. On one side people are reasoning rationally and validly based on reliable premises, even premises to which both sides agree. On the other side the people refuse to follow the reasoning no matter how valid it may be, and no matter how much they admit that the foundational principles are valid. This kind of dichotomy has existed historically in regard to numerous subjects, and not exclusively in regard to natural rights versus statism. As long as the reasoning and premises are valid, in the long run, the rational side will win. But in the short term, the side of valid premises and reasoning often loses. The power of love lines, traditions, mythology, irrational exuberance, the love of money, spite for the common man, doubt about efficacy, and countless other passions can easily overwhelm sound reason and undeniable facts. — In the case of these two vigilance committees, when they've exhausted discussions, and it's clear that the minarchists will not yield, it's necessary for those genuinely committed to the natural-rights polity to bid the minarchists farewell. With a difference as radical as whether *jural* taxation is voluntary or not, there's no way these two groups can work together as equals within the same *jural society*. For the natural-rights polity to prevail, reason combined with a passion for holistic justice must prevail over every protection racket masquerading as a good thing.

This scenario's split between minarchists and natural-rights advocates marks another pressing need: If even people who claim to be "libertarian" and "constitutionalist" have such shallow commitments to natural rights, how can this nascent *jural society* expect to be funded by people who have no such commitments at all? It's not reasonable for them to expect to be funded by anyone except voluntarily. Generosity begets generosity. If the *jural society* helped people within their geographical jurisdiction to prosecute *delict* perpetrators, the people would naturally respond in kind. But in a *secular* environment, if knowledge of the *jural society*'s good deeds is spread merely through word of mouth, it may be extremely difficult for the *jural society* to survive long enough to generate the necessary funding. That being the case, this nascent *jural society* might need to seek funding from somewhere other than from people within their own jurisdiction. In the meantime, they could persist as some combination of vigilance committee, legal study group, militia, and neighborhood watchdog group, all voluntary and essentially unfunded.

It might be easier for people committed to biblical Christianity to start a genuine *jural society*, than for people who have no commitments to biblical Christianity. This is because the natural-rights polity is embedded in, and arises rationally out of, the Christian Bible. Bits and pieces of the natural-rights polity have manifested at various times and places throughout Christendom's history. This combination of history, tradition, Scripture, and reason appear to indicate that there are better prospects for development of *jural societies* within Christian milieus than within *secular* milieus. If a *jural society* developed within a Christian environment, then it's reasonable to expect that those predominantly Christian participants would be aimed at transforming that environment into a Christian *religious social compact*. This is a reasonable hope, but under present circumstances, it's also an expectation that's difficult to maintain. — In the *united States* in the early 21st century, most nominally Christian churches have abdicated their holistic duties as genuinely Christian churches in favor of being charitable organizations under 26 U.S.C. § 501. To a huge extent, elders in nominally Christian churches have worked together to bifurcate biblical Christianity so that the version of Christianity that they expound fails to properly represent biblical law, a holistic understanding of the Bible, or an understanding of both special and general revelation adequate to articulate harmony between biblical theology and natural theology. Their theology fails to even provide fertile ground for knowledge of biblical law to germinate. Because the elders in these 501(c)(3) churches generally have stronger commitments to their love lines, traditions, mythology, irrational exuberance, and love of money, than they do to biblical Christianity in its holistic sense, it's reasonable to expect them to spurn any Christian *jural society* member who might try to convince them to convert their church from its 501(c)(3) status into a real church, meaning into a Christian *religious social compact*. Even so, wherever there is genuine commitment to biblical Christianity, it should be easier to convince elders to make commitments to the natural-rights polity than it would be to convert *secular* minarchists to the natural-rights polity.

Because the natural-rights polity arises naturally out of biblical Christianity, it's reasonable that it would be easier for people committed to biblical Christianity to develop genuine *jural societies* within their communities than it would be for *secular* people within a *secular* milieu to develop genuine *jural societies*. This being the case, and because there really is no other viable alternative to the social decay currently being wrought through the *de facto* system, it's reasonable to expect that communities committed to biblical Christianity would eventually become committed to the natural-rights polity. The only viable alternative to the utter destruction of almost everything good humanity has ever developed is genuine commitment to the natural-rights polity, as an aspect of God's providence. Given

that this is true, it's reasonable to believe that most people committed to biblical Christianity will eventually become committed to voluntary support of Christian *jural societies*, Christian *ecclesiastical societies*, and Christian *religious social compacts*. It's also reasonable that such natural-rights-honoring Christian communities would become committed to voluntary support of *secular social compacts*. Here is the most reasonable source of funding for the nascent *secular jural society*. Such funding may not be available now, but it certainly should be eventually. It should be clear shortly that building stand-alone *secular social compacts* from scratch is not the only way to build genuine *secular social compacts*.

It should be abundantly clear by now that taxation under the natural-rights polity can be lawful only if it's completely voluntary. American government has been wrong on this front since its inception. This shows that at best, American government has been minarchist. In fact, American government has never conformed itself completely to the natural-rights polity, and has rarely even been genuinely minarchist. This is evident through analysis of another fact about American history. The final clause in the 5th Amendment states:

> [N]or shall private property be taken for public use, without just compensation.

All by itself, rational analysis of this phrase can be shown to be an argument against involuntary taxation. Money can certainly be "private property". So if the general government takes money from somebody who has lawful title to it, then according to the plain meaning of the Constitution by way of this clause, the general government must necessarily remedy the taking by supplying "just compensation". This is assuming that the government is taking the privately owned money "for public use". If the money were taken for private use, then it should be obvious to all who care that the government would be stealing. That means that whatever officials took it would be thieves operating under *color of law*, which would mean that they needed to be prosecuted like any other thieves, and perhaps even more vigorously. But if the money were genuinely taken "for public use", then under this minarchist government, the government presumably would be justified in its taking if it bore this fig leaf called "just compensation". There are at least two big problems with this minarchist fig leaf. The first is that even if the takee were justly compensated, the taking would not be voluntary, which means that the just compensation would merely disguise theft. The second big problem is that ultimately, just compensation can only be evaluated subjectively. One person's just compensation may not suffice as just compensation to someone else. The amendment is clearly not allowing for subjective evaluation in its definition of just compensation. Both according to plain

meaning and according to historical interpretation by the courts, just compensation refers to some figment of the collective imagination called "fair market value".[1] Fair market value has the pretense to objectivity, but it's really just collective subjectivity, at best. It's therefore government imposing the collective evaluation of the given object on an owner who is likely to have a completely different subjective evaluation. — Because money "taken for public use" is usually called "taxes", a rational analysis of this clause can be shown to be an argument against taxation.

With it understood that all taxes "taken for public use" are involuntary takings unless there is absolutely no coercion involved, and with it understood that "just compensation" is not a valid penalty for this *delict* because the *delict* is not being prosecuted, but excused, it will become clear that this phrase from the 5th Amendment can be interpreted as an argument against involuntary taxation. It's also clear that taking is a fundamental concept that encompasses taxation, even if the American courts have not acknowledged that this is the truth. All this presumes a rational interpretation of the 5th Amendment. Historically, the courts have been far too fixated on their love lines, traditions, mythology, irrational exuberance, spite for the common man, and love of money to be able to render a genuinely rational interpretation. This is especially evident in view of the fact that in applying this clause of the 5th Amendment, the courts have rarely, if ever, applied it to money and taxation, even though money can be "private property". This clause has been understood to apply most emphatically to *eminent domain*. Because this concept of *eminent domain* represents a crucial distinction between minarchism and the natural-rights polity, it's crucial to examine it closely.

To explore *eminent domain*, takings, and just compensation, consider another hypothetical case. Suppose that there are again two vigilance committees trying to metamorphose into a *jural society*. Suppose again that these two groups claim the same geographical jurisdiction, are suspicious of one another, and enter into discussions to try to resolve their differences. But this time, suppose that minarchists far outnumber genuine adherents to the natural-rights polity. In fact, suppose there really aren't any adherents to the natural-rights polity within either of these vigilance committees. Suppose further that in spite of the fact that these people claim to want to build a *jural society*, they really don't know how. They know all about *delicts*, the life-for-life proportionality, due process, rules of court, rules of evidence, *etc*., but they don't understand how to properly implement the *continuity political laws*. They believe that both involuntary *jural* taxation and involuntary *jural* takings are necessary and unavoidable. They believe that basing their *jural society* on voluntary *jural* taxation and takings is naive and inherently doomed to failure. They go

1 **Black's 5th**, p. 537.

ahead and build their pseudo-*jural society* based on confiscatory taxation. After functioning as a pseudo-*jural society* for a while, even convincing many of the people in the geographical jurisdiction that the pseudo-*jural society* is lawful, many of these people in the territory become party to the pseudo-*jural compact*. But there are still a few *denizens* left in the territorial jurisdiction. Suppose the pseudo-*jural society* targets, for a *jural* taking, land lawfully owned by one of these *denizens*. The land to which this *denizen* has lawful title is situated in the middle of the geographical jurisdiction. Those party to the pseudo-*jural compact* have inserted a term into their compact that stipulates that the pseudo-*jural society* will build a courthouse / jailhouse in the middle of this territorial jurisdiction, and that is precisely why this *jural society* is targeting this *denizen*'s land. All those party to the pseudo-*jural compact* agree that the pseudo-*jural society* will execute a *jural* taking against this targeted *denizen*, and take the required land, giving "just compensation" to the takee. The attitude of the *denizen* is that there's no way the so-called "compensation" can be "just". He doesn't want to sell. He doesn't want to trade. He doesn't want to give up his land. Whatever his reasons for refusing to sell, he's convinced that it's nobody else's business. He simply refuses to sell, or to acquiesce to the taking. He's convinced that the act by these people of singling him out for a special sacrifice that goes well beyond the sacrifice that anyone else is making, is inherently an act of trying to build the *jural compact* on the perpetration of a *delict*. In his mind, this is inherently extortion being perpetrated by the majority against this lone dissenter. He thinks his neighbors have turned into a band of thieves. He utterly refuses to go along with it. But he also knows that if he fights it with force he will lose, and die. So he eventually acquiesces, but he makes it plain to everyone that he does not consent, no matter what the "just compensation" amounts to.

Because he's convinced that the pseudo-*jural* taking of his land is a violation of *de jure* law, this *denizen* chooses to be a goad to the pseudo-*jural society* until the pseudo-*jural society* becomes genuinely lawful. He makes it clear to all parties that he intends to sue to stop the taking. Because *jural* takings and taxes are administered by the administrative entity that exists immediately under the newly formed but jurisdictionally dysfunctional *secular social compact*, the *denizen* names this administrative entity as the principal defendant in the case.

By following the issues in this case, it should be possible to excavate some of the most basic mistakes made at the foundations of American law, and to thereby compare and contrast the *de facto* system at its best with the *de jure* system. Two basic questions need to be decided by whatever court tries the case: (i)Does the *denizen* have lawful title to the land before the taking? (ii)As collector of the pseudo-*jural compact*'s pseudo-*jural* taxes and takings, does the jurisdictionally dysfunctional

secular social compact's administrative entity have lawful authority to take the land? — To answer these questions, the court will need to determine these things: (a)what it means to own property and to have lawful title to it; (b)whether it's lawful for a *jural society* to own anything, including land; (c)the differences between ownership by a single human and ownership by a *jural society*; (d)the distinction between a *jural society*'s geographical jurisdiction and its ownership of land; and (e)most importantly, whether the *jural* taking is lawful, even if it happens to be executed by a *political* entity directly under the *secular social compact*.

Does the *denizen* have *lawful* title? To answer this question, it's necessary to determine what lawful title is and how it arises. — In some respects, a *jural* taking by a jurisdictionally dysfunctional *secular social compact* is equivalent to what has been traditionally known as an exercise of *eminent domain*. The idea behind *eminent domain* is essentially feudal. It was adopted officially into American law when the States, during the founding era, adopted the English common law. Although the power of *eminent domain* has been used often in the *united States*, it has never been properly justified relative to the Declaration's claim that governments derive "their just Powers from the consent of the governed". Likewise, it has never been justified relative to the natural-rights polity and the biblical *metaconstitution*. Either for the sake of justifying *eminent domain* and *jural* taking relative to the *metaconstitution*, or for the sake of refuting it as inherently unlawful, examining the meaning of *domain* is a good place for the court to start its research on this case. Domain is defined like this:

> *domain* — The complete and absolute ownership of land; a paramount and individual right of property in land. … The inherent sovereign power claimed by the legislature of a state, of controlling private property for public uses, is termed the "right of eminent domain".[1]

Eminent domain is defined like this:

> *eminent domain* — The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. … Eminent domain is the highest and most exact idea of property remaining in the government, or in the aggregate body of the people in their sovereign capacity.[2]

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1 Black's 5th, p. 434.

2 Black's 5th, p. 470.

Notice that according to this definition, the "highest" claim to "property", and the preeminent *interest* in "property", belongs to the *de facto* "government". Notice that this is justified by claiming that the sovereign of the *de facto* government is "the aggregate body of the people".[1] Clearly the "right of eminent domain" is *de facto* government's power to exercise *dominion* over land within its geographical jurisdiction. *Dominion* is "perfect control in right of ownership".[2] In regard to land, *domain* and *dominion* are synonyms. According to the concept of *eminent domain*, the government owns the land over which it has geographical jurisdiction so that it has an absolute, primordial, indomitable *dominion* over it. According to this concept of *eminent domain*, the government allows private citizens to come into a form of secondary possession of parcels of such land. Since this concept of eminent domain is so ancient, it's reasonable to consider the possibility that it is merely an aspect of feudalism that deserves to be left on the dung heap of history. When the framers of the Bill of Rights wrote in the 5th Amendment that "private property [shall not] be taken for public use, without just compensation", they were clearly relying on this English tradition of blending feudal concepts of property with common-law concepts of rights.

The *de facto* law of *real property*, even in the 21st century, is heavily dependent upon concepts that derive from the feudal system. The feudal concept of property and the concept of property that grows out of biblical **exegesis** are largely incompatible. This incompatibility existed during the nation's founding era, and it continues to exist in American law to this day. As evidence that feudal concepts of property still plague the legal landscape, consider Article I § 15 of the Minnesota Constitution, which states,

> All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited.

It's certainly good that "feudal tenures … are prohibited". But without knowing the meaning of "allodial", it's not certain whether this section of the Minnesota Constitution is really an improvement over the feudal system, or merely a shell game run by the ruling elite to take advantage of suckers.

"Allodial" is a concept of land that derives from the feudal system. Under another name for *allodial* land, a name that is still common in the modern law

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1 This is an example of how common it is in American law to set up "the people" as a strawman that can be manipulated by power brokers, when in fact the people never consented to such machinations. This ploy is inherently a function of majority rule that disparages genuine consent.

2 Black's 5th, p. 436. — It's important to note that "*dominion*" is being used here as a legal term and not as a theological term.

of *real property*, *allodial* land is defined as "fee simple" *real property*. Both *allodial* and *fee simple absolute* mean that the land at issue is owned *absolutely*, *i.e.*, without *encumbrances*. In contrast to *allodial*, *fee simple absolute title*, in the feudal system, it was understood that the king had preeminent *title* to all the land in his *dominion*; and if someone had a secondary claim – even if it was a claim to *allodial* / *fee simple* land whose *title* the monarch respected and accepted – that secondary *claim* existed only because the monarch allowed it to exist. If the monarch decided to *condemn* land, thereby eliminating the secondary claim to it, and thereby returning the land to its primordial owner, the king himself, presumably to satisfy some royal objective, the king was within his feudal rights to do so. It was the monarch's prerogative to take land, because the land was really his in the first place, and he merely allowed the *vassals*, *serfs*, and other *tenants* to use the land at his own discretion. With the progress in jurisprudence entailed in things like Magna Carta, the monarch was eventually obliged to supply just compensation for takings.[1] But the fact that the monarch had preeminent claim to all land in his *dominion* was never seriously challenged in England, even to the present day. The *united States* adopted this approach to defining its geographical jurisdiction almost without question. The *united States* does not have a monarch, and there is a presumption instead that the people are the *sovereign*.[2] — It doesn't take a genius to discern that massive bureaucracies being controlled through "revolving doors" by massive corporations that are controlled by interlocking boards whose members are generally in collusion with a cabal of international bankers who run the privately owned and operated Federal Reserve are now this nation's surrogate monarch. So this horde of parasites is the *de facto sovereign* of the nation. Now it's clear that this *de facto sovereign* has

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1 … and eventually proof that the sovereign's need for the taking was real and not whimsical. — Sadly, in recent times, monopoly-capitalist corporations have superseded individuals as America's *sovereign*, and takings have become far more whimsical. See *Kelo v. New London*, 545 U.S. 469 (2005) — URL: https://supreme.justia.com/cases/federal/us/545/469/, retrieved 5 August 2016.

2 *Chisholm v. Georgia*, 2 U.S. 419, 471 (1793): "[A]t the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects …, and they have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." — URL: http://supreme.justia.com/us/2/419/case.html, retrieved 5 August 2016.

It's critical that *sovereign* in the human-law sense not be confused with sovereign in the natural-law sense. There is only one sovereign in the natural-law sense, and that is God. This is true even though there is certainly a place for miniature sovereigns in the natural law. The *sovereign* in the *de jure* human-law sense is formed through agreements between miniature sovereigns in training.

dominion, meaning primordial *de facto* ownership over all the land. Given that the nation's currency is fiat money created by the Federal Reserve, just compensation is not merely a fig leaf to hide naked theft, because this fig leaf is nothing more than a virtual rabbit being pulled out of a con artist's hat. — So in the 21st century, this is what the framers' blending of feudal concepts of property and common-law concepts of rights has evolved into.

The framers of the nation's organic documents allowed the traditional power of *eminent domain* to remain in both the general and State governments, thereby investing in the loosely defined *sovereign* of these governments the monarchial *dominion*, primordial ownership, over all the lands. Between the framers' days and the 21st century, with a great deal of help from fractional-reserve and fiat-money bankers, private land owners have reached a point at which they rarely own land that is truly *allodial*. Instead, they own land that is heavily *encumbered* with claims and *interests* of *secular* governments, and *easements* and *encumbrances* of every conceivable *public* and private kind. For all practical purposes, every State's organic constitution claims that the land within its boundaries is *allodial*. Because of this, it's clear that the framers intended for land within this nation to be as free from *encumbrances* as they could conceive. They could not – or at least did not – conceive of how government could exist without the power of *eminent domain*. They apparently believed that government needed to retain *dominion* – primordial ownership of land – in order to survive. But they also intended for land to be owned *allodially*, as a *fee simple absolute*, meaning with the fewest *encumbrances* possible. The framers did the best they could with what they knew. But they bestowed the dregs of feudalism on their progeny, mixed with a deficiently defined compact theory of government. (1)Their definition of *sovereignty* attempted to be a consent-based, compact-oriented definition, but it left one foot in the feudal world. (2)Their definition of the relationship between government and the land over which the government had geographical jurisdiction may have been adequate for their time, but it is not adequate for the 21st century. (3)Their definition of the most *encumbrance*-free form of privately owned land was certainly an attempt at freeing the ordinary human being from feudal bondage, but it was a definition that left government with the power to lay *encumbrances* on private land that far exceed any powers allowable under a more rigorous *de jure* definition of *sovereignty*. — All the States claim the *sovereign* right to exercise *eminent domain*, and simultaneously claim that their land is *allodial*. According to any rational view of these two things, the two are about as compatible as (a)claiming that all people

have natural rights, then (b)claiming that some people are slaves, and that they do not have natural rights.[1]

An *allodium* is defined like this:

> *allodium* — Land held absolutely in one's own right, and not of any lord or superior; land not subject to feudal duties or burdens. An estate held by absolute ownership, without recognizing any superior to whom any duty is due on account thereof.[2]

Notice that *allodial* land is "held", meaning possessed, without any *encumbrances*. But it's nevertheless assumed that the *de facto sovereign* has *dominion* over the land, and it's assumed that that *dominion* supersedes the *allodial* holding. This assumption was made under feudalism, and it is still made under the 21st-century *de facto* government. It is a crucial feature of the statist mythology. — *Allodial* land is defined like this:

> *allodial* — Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal.[3]

The "feudal tenures" mentioned in the Minnesota Constitution are, "The tenures of real estate under the feudal system".[4] The feudal system is, "The system of feuds".[5] A *feud* is defined like this:

> *feud* — An estate in land held of a superior on condition of rendering him services.[6]

There are clearly *encumbrances* under a *feud*, while there are no *encumbrances* under an *allodium*. The *de facto sovereign* has *dominion*, and can thereby exercise *eminent domain*, over both an *allodium* and a *feud*. A *feud* is a holding of *real property*, where the title to the property really belongs to an aristocrat or someone comparable, and where – by permanently owing this aristocrat rent, service, or something else of value – the aristocrat's *interest* in the *real property* is maintained permanently. In other words, a *feud* is an *interest* that a *serf* holds in the *real property* that his lord really owns, and an *allodium* is an *interest* that an aristocrat holds in *real property* that the king really owns. Because the lord really owns it, the lord has control of the wealth that emanates from the land that the *serf* lacks. A *feud* "is the same as

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1 This kind of bold irrationality is a prototypical form of "gaslighting". It's like A punching B in the nose, then telling B immediately that he didn't just punch him in the nose.

2 **Black's 5th**, p. 70.

3 **Black's 5th**, p. 70.

4 **Black's 5th**, p. 560.

5 **Black's 5th**, p. 560.

6 **Black's 5th**, p. 559.

'feod', 'feodum', 'feudum', 'fief', or 'fee'."[1] — On the other hand, a *feodum simplex* is essentially the same thing as a *fee simple absolute title*, which is essentially the same thing as an *allodium*. A *fee simple absolute* is defined like this:

> *fee simple absolute* — an estate limited absolutely to a man and his heirs and assigns forever without limitation or condition.[2]

According to ancient English law, the monarch was the "universal lord and original proprietor" of all the lands in England. It was impossible for anyone to legally possess title to land except through a series of transfers "which could ultimately be traced back to an enfeoffment or patent from the Crown".[3]

> *enfeoffment* — The act of investing with any dignity or possession; also the instrument or deed by which a person is invested with possessions.[4]

> *patent (land)* — A muniment of title issued by a government or state for the conveyance of some portion of the public domain.[5]

The monarch was the only source of legal *title* to land. Therefore, even a *fee simple absolute*, an *allodium*, could suffer *condemnation* (confiscation) by the monarch under the doctrine of *eminent domain*. Essentially the same system continues under the present *de facto* government, with a veneer of righteousness to flummox the serfs. *Secular* governments regularly impose *encumbrances* on supposedly *allodial*, *fee simple* land, through zoning, property taxes, and other laws. The private banking system that issues *legal tender* regularly imposes *encumbrances* on supposedly *allodial*, *fee simple* land, via mortgages.

This conflict, this inconsistency, between *allodial*, "absolute" ownership of land, on one hand, and the State's claim to have a *sovereign* right to exercise *eminent domain*, on the other, cannot be justified under the global covenant. If the land is *allodial* in a sense that's lawful under the *metaconstitution*, then the State or general government has no *sovereign* right to act like a feudal lord over the land, doing whatever it will, even if it claims to provide "just compensation". — On the other hand, if the State's claim to have a *sovereign* right to exercise *eminent domain* is valid, then the land is

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1 **Black's 5th**, p. 559.

2 **Black's 5th**, p. 554.

3 Graham, John Remington; **Principles of Confederacy: The Vision and the Dream & The Fall of the South**, 1990, Northwest Publishing Inc., Salt Lake City, Utah., p. 29. — An *allodium* was a *fee simple absolute* whose title was recognized by the Crown. Even so, the monarch still had *dominion*, and could *condemn* the land under *eminent domain* with just compensation.

4 **Black's 5th**, p. 474.

5 **Black's 5th**, p. 1013.

not really owned in a genuinely *absolute* sense, because the government can *condemn* the land whenever its officers feel compelled to do so, excusing their *condemnation* with claims that they provide "just compensation", and that they have a compelling state interest (whatever that may be). — Rationally, land is either owned *absolutely*, or it's not. It cannot be both. Because the land that's genuinely owned *absolutely* is not subject to the State's claim of *dominion*, land that's genuinely owned *absolutely* is land that's owned with *absolute title* and *absolute ownership*. *Absolute* in this sense means that the ownership is limited only by Genesis 9:6 *duties*. So land that's owned with *absolute ownership* and with *absolute title* is land over which no lawful *jural compact* has any *interest* other than its strictly defined jurisdiction. Such land is not subject to any kind of ownership claim by any lawful, *secular* government, because such a claim by such a government would make the government jurisdictionally dysfunctional. So the concept of governmental *dominion* is inherently dysfunctional. — Under these circumstances, it appears that the *denizen* has a valid complaint against the *jural* takings administrative entity of the new *jural society*'s encompassing *secular social compact*. The complaint is correct in its claim that the taking is unlawful. The lawful subject-matter jurisdiction of the lawful *jural compact* severely limits the claims that the *jural society* and its encompassing *secular social compact* can lawfully make against the *denizen*'s land. Nevertheless the minarchist's claim that the government retains the power to take is obstinate. This obstinacy needs to be addressed. There's also the possibility that the *denizen* does not have lawful title to this land in the middle of the geographical jurisdiction. So if it's assumed that the court into which the *denizen* files his complaint is a lawful court, then the court should be willing to hear all of these claims against the minarchist concept of land ownership. But to get to the bottom of this problem, it's necessary to show where lawful title comes from if it doesn't originate in an *enfeoffment* from the monarch, or from some chain of title that originates in a strawman sovereign.

In contrast to feudalism, from the perspective of the natural-rights polity, neither the *de facto* government nor a *secular social compact* can be the ultimate owner of the lands under its geographical jurisdiction, and be lawful at the same time. Through genuine agreement, people form the *sovereign*, but unanimous agreement among parties to a *secular social compact* is not sufficient to enable them to compactually own all the land within the geographical jurisdiction. For one thing, the authority of a lawful *secular social compact*, over its geographical jurisdiction, is limited by its subject matter jurisdiction. For another, geographical jurisdiction and land ownership are two radically different things. — In contrast to the severe limitation on a *secular social compact*'s capacity to own the land within its geographical jurisdiction, it's possible for a *religious social compact* to overcome this severe limitation. In fact, if the parties to a *religious social compact* claimed utter *dominion*, *eminent domain*, over

the land within its geographical jurisdiction, such a claim would not necessarily conflict with how "*religious social compact*" is defined. A *religious social compact* is defined as a *social compact* in which the parties are in unanimous consent to more than the bare minimal subject matter that defines a *secular social compact*. As such, it's possible for the parties to a *religious social compact* to have unanimous agreement about the property status of the land within their geographical jurisdiction. But mere agreement among the parties cannot suffice to allow a lawful claim to *dominion* over their geographical jurisdiction. So *eminent domain* can be lawful within a *religious social compact*, but mere agreement is not sufficient to make it so. Not only must the land at issue be subject to the *religious social compact*'s geographical jurisdiction, but for *eminent domain* to be lawful within that *religious social compact*, the land at issue must also be subject to a lawful *land covenant* that is a *public contract* within the *religious social compact*, and that land must be held with *absolute title* by way of that *land covenant*. — On the other hand, there's no way that *eminent domain* can be lawful within a lawful *secular social compact*. This is because the subject-matter jurisdiction of the *secular social compact* is strictly limited. So as a *secular* government, a State's exercise of *eminent domain* is essentially an act by the State of forcing the victim into selling his/her land. For the rare case in which this forced sale is executed for the sake of satisfying a lawful *jural* function, like in this hypothetical case of building a courthouse and jail for the minarchist pseudo-*jural society*, the *jural* taking itself is not lawful even though the *jural* function is. The *jural* function certainly exists within the subject-matter jurisdiction of the *positive duty clause* as a function of the *jural society*'s *political law*. But because the taking is involuntary, and is therefore a form of involuntary servitude and theft, the *jural* taking for this instantiation of this *jural* function is not lawful.

No *secular* government can lawfully tax, take, or confiscate unless the takee consents without being subjected to duress. Such purely voluntary consent may require that the *secular* government supply genuinely just compensation. Under such circumstances, the taking is really not a taking, but a sale, and the compensation is not a fig leaf to cover naked theft. This is a crucial aspect of contract law, that contracts involve the voluntary exchange of benefits and obligations. So every *jural society* needs to be ready to explain what people get in return for its taxes and takings. Even if it proposes to give just compensation, its power and authority to take must not violate the boundary between natural law and human law upon which the *positive duty* exists. All efforts at creating human government exist within natural law, and can grow into the arena of human law only through contracts that are not conspiracies to perpetrate *delicts*. So this power and authority to take desperately needs to be curtailed to the point that it's consistent with the compact's rigorously delineated jurisdictions. To minarchist ears, such radical curtailment may appear to

be utopian, and to doom the whole enterprise to failure. To minarchists, limitations on taxing and taking may be sufficient if understood within the context of Chief Justice John Marshall's opinion in *McCulloch v. Maryland* 17 U.S. (4 Wheat.) 316 (1819).[1] In that opinion, Marshall said, "[T]he power to tax involves the power to destroy". It appears from this quote that Marshall and the minarchists would curtail taxation down to a degree of destructiveness that they deem acceptable. But that begs the question, How is the degree of destructiveness to be measured, and by whom? This lack of rigor clearly invites corruption. This lack of rigor applies to the power to take as much as it does to the power to tax. In fact, it's especially true that the power to take involves the power to destroy. When taking is understood to be distinct from taxing, because taking aims the confiscatory power of the state at specific individuals and at specific property, rather than at the population in general, the takee's rights in regard to the taken property are generally destroyed completely. So taking as distinct from taxation, rather than as encompassing taxation, is generally an especially destructive power. This is precisely why all the *encumbrances* on – and titles to – land, that have been placed on the land by *secular* governments and their cohorts in fraud (*secular* banks, the Federal Reserve, the monetary system, *etc.*) must be meticulously scrutinized to determine whether they are lawful or not. — If property taxes, *easements*, zoning, and other *encumbrances* are not rigorously curtailed, it will be impossible for *religious social compacts* to establish comprehensively viable geographical jurisdictions, because it will be impossible for anyone to establish genuine *absolute title*. By itself, this is a serious impediment to the Great Expatriation. But this impediment to the Great Expatriation cannot be sufficiently curtailed when using minarchist conceptions of taxing, taking, and title acquisition. This is because such minarchist conceptions violate this boundary between human law and natural law by basing human governments on something other than genuine contracts and lawful consent.

Regarding this *denizen*'s case, the minarchists will claim that the court should determine that the pseudo-*jural society* has lawful authority to condemn his land based upon the minarchist definition of *jural* taking, and upon the minarchist conception of what constitutes lawful title to land, and upon the refutation of the *denizen*'s claim to have lawful title. To counter the minarchist legal theory about land ownership, the *denizen* will need to present his own legal theory to show that land title doesn't originate in the state by way of some *patent* or *enfeoffment*. The *denizen*'s legal theory must show where lawful title to land comes from.

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1 URL: https://supreme.justia.com/cases/federal/us/17/316/case.html, retrieved 5 August 2016.

proof of primary property:

Suppose the *denizen* is utterly committed to the natural-rights polity, and his legal theory arises immediately therefrom. The natural-rights polity holds that all human ownership of **secondary property** arises out of self ownership, *i.e.*, out of **primary property**. This natural-rights polity holds that every human is a self owner, starting at conception.[1] So this *denizen* bases his legal theory about property ownership and land ownership upon his conception of natural law and natural rights. He posits the natural-law tripod before the court, and explains that by common sense, all humans with cognitive capacity should acknowledge the three legs of the natural-law tripod, the leg dominated by the exogenous laws of nature, the leg dominated by the endogenous laws of nature, and the leg dominated by ethics and moral judgments. — After laying this foundation in natural law, the *denizen* continues by explaining that property ownership starts with **primary property**, ownership of one's body and mind, which he explains, is what some economists call "self ownership". He goes on to explain that a necessary companion to **primary property** is **secondary property**, the ownership by a given person of things external to his/her self, things in the exogenous leg of the natural-law tripod. He explains that lawful title to land is acquired by essentially the same process that leads to lawful title to *personal property*.

Suppose that at this introductory point in the presentation of his legal theory, the *denizen*'s minarchist adversaries interrupt. Suppose they attempt to discredit the *denizen*'s presentation by pointing out to the court that the *denizen*'s theory of property is merely classical economics that has been resurrected in recent decades by economists like Murray N. Rothbard and the Austrian School of economics, whose work, the minarchists assert, has been largely discredited by mainstream economists. The minarchists claim that even among economists who claim to favor "free market economics", this theory of property ownership and title acquisition is derided as "Crusoe Economics", and is treated as quaint, antiquated, and useless by the field as a whole. Suppose the judge stops the minarchist spokesman and tells the *denizen* to continue presenting his legal theory without further interruption. — Now that it's understood how important legal theories are in adjudicating disputes, this exposition can temporarily drop the pretended dispute between this lone *denizen* and his minarchist adversaries. So the focus in the remainder of this section will be on the *denizen*'s legal theory, without the pretense of a trial. The *denizen*'s legal theory is essentially a theory of secondary property ownership, possession, and title

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1 Self-ownership and **primary property** as the basis for ownership of all **secondary property** are expounded in much greater detail at Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

acquisition, with an emphasis on ownership of land. For the natural-rights polity to work, it must encompass some conception of property ownership, of ownership of **secondary property**, especially of title, ownership, and possession of land, that more accurately reflects natural law as it pertains to human interactions, than do feudal conceptions of property.

Regardless of how much mainstream economists may disparage Crusoe economics, the natural-rights polity and Crusoe economics are largely compatible. No alternative theory of property exists, as far as this author knows, that is congenial to natural rights. Even so, in making this claim to compatibility, it's also necessary to make a disclaimer. Although Crusoe economics, as presented by Rothbard,[1] is a relatively reliable description of a theory of property that should suffice to replace the feudalism that still haunts American law, it is not utterly without problems. Some of these problems will need to be worked out on a piecemeal basis by the courts in the process of adjudicating disputes. But some are more foundational and need to be addressed in advance. These basic problems with Rothbard's rendition of Crusoe economics have been resolved in **A Memorandum of Law & Fact Regarding Natural Personhood**, and they will not be examined in more detail here.[2] Even so, to make sure the Crusoe economics being expounded herein is compatible with the Bible, it's crucial to see that **secondary property** arises out of **primary property**, where **primary property** is a necessary attribute of the *imago Dei*. This relationship between **primary property** and **secondary property** is not adequately explored in Rothbard's Crusoe economics. So what immediately follows is essentially an enhancement of Crusoe economics, presented here as a precursor to sketching Crusoe economics, *per se*.[3]

primordial secondary property:

Although it may be beyond dispute that infants are born economically incapacitated, it's nevertheless also true that humans must own themselves as a necessary attribute of being human. So even newborns own themselves and therefore have **primary property**. Ownership of **primary property** is a natural right with which every human is naturally endowed, but newborns obviously have a limited

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1 Rothbard, **Ethics of Liberty**, pp. 29-37, 47-50, 72, 249-250.

2 It's probably not valid to claim that basic problems in Crusoe economics relate directly to Rothbard's conception of "free will". Those problems have already been addressed above, under the auspices of the Adamic covenant, "'Theological Determinism', 'Free Will', and 'Compatibilism'".

3 This enhancement is expounded at Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

capacity to exercise that natural right in an economically meaningful way. Infants certainly own their labor as a natural right, but they lack the ability to do productive labor. Infants are born with the natural right to, and natural ownership of, their labor, but they are born with a lack of capacity to perform economically valuable labor. From the perspective of global human law, such capacity is acquired through natural growth and the efforts of the growing minor. A similar relationship between a natural right and a capacity to exercise that natural right exists relative to the ownership of land. All humans are born with the natural right to own land, because all humans are created with the *imago Dei*. Under global human law, people can get away with refusing to recognize God and with refusing to recognize the *imago Dei*, but if such refusal leads people to damage other people, such damage is within the subject-matter jurisdiction of global human law. Although all people are born with the natural right to own land, all people are born with an extremely truncated ability to exercise that capacity. Every infant certainly has an *interest* in his/her point-of-contact with the earth, the land immediately being contacted by the infant. But the infant has an extremely limited capacity to use the land, or to enforce his/her possession of it through laboring on it. — This distinction between natural rights and the capacity to exercise natural rights is crucial to understanding the mechanisms involved in acquisition of **secondary property**. The distinction between rights, just claims, and powers to put claims into effect, to manifestly instantiate them, is crucial to the interface between **primary property** and **secondary property**. The relationship between the potential to do labor and the exertion of labor are crucial to this relationship between **primary** and **secondary** property. Crusoe economics has generally held that labor on land is crucial to any valid claim to own land. But closer inspection shows that even the infant's point-of-contact with land must necessarily endow that infant with some ownership *interest* in the land.

In order to get to the core of the concept of ownership of **secondary property**, and to be delivered from minarchist misconceptions, it's essential to think in extremely rudimentary terms. Towards that end, suppose Fred invites Jim over to his house. Jim arrives at Fred's house, and is standing in Fred's living room. Who owns the two shoe-sized areas of the floor that Jim is standing on, Jim or Fred? — The obvious answer is that Fred owns the house, so Fred owns those two shoe-shaped areas of the floor. If Fred has *absolute ownership* of the house, then it appears that he has *absolute ownership* of those two areas of the floor. One might then conclude that Jim has no rights to be standing on those two areas of the floor. — That's obviously an absurd conclusion. Every human being has an *interest* in the territory that he/she is standing on, sitting on, lying on, *etc.*, even if someone else owns that property. Every human has an *interest* in the points at which the human's body contacts the earth. The *interest* may be extremely temporary and extremely minute,

but it's nevertheless an *interest* that needs to be recognized, especially if the *interest* is disputed in court. The *interest* entails that Fred will not suddenly pull the carpet out from under Jim under the pretense that he's replacing it, because he will recognize that Jim has a safety-related *interest* in the stability of the property that Jim stands on.

Now suppose Jim comes into possession of a key to Fred's house. Fred is unaware that Jim has the key. When Fred goes out of town, Jim goes over to Fred's house and uses the key to get in. Jim stands around Fred's living room proving to himself that he can violate Fred's *absolute title* with impunity. Then Jim goes home, locking the door without doing any damage. — While Jim was standing around Fred's house this time, Jim still had an *interest* in every portion of the floor that he stood on. But Jim's *interest* this time is different, because this time, he was not invited. — Because all human beings have corporeal bodies that are weighed down on the earth, every human being has an *interest* in the point-of-contact at which the body is grounded. This point-of-contact is part of being alive on planet earth. This *interest* is necessarily understood by any rational legal system to be a partial ownership of that point-of-contact by whoever is making the point-of-contact.

If Jim is walking through a primordial forest, which is owned by no one, it's valid for Jim to claim at least temporary title to each point-of-contact where his body meets the earth. This includes the air that he breathes, the water he drinks, the ground that he walks on, and the trees that he touches. When Jim inhales, the air becomes his. When he exhales, it ceases to be his. When Jim touches the ground or a tree, the point-of-contact is his. When he lifts his foot, or his hand, the point-of-contact ceases to be his. So Jim has a temporary *interest*, which can be understood to be a temporary *ownership*, temporary possession, and temporary title. Common sense, respect for the fact that every human being has natural rights, and the *negative-duty clause*, combine to demand recognition and honor of this primordial *interest*.

In both the case in which Jim was invited to Fred's house, and the case in which Jim went without invitation, Jim had this primordial *interest* in Fred's floor as Jim stood on it. In these illustrations, there are three different cases in which Jim has a primordial *interest* (a primordial temporary *ownership* / possession of his point-of contact): (i)in the unclaimed forest; (ii)in Fred's living room at Fred's invitation; and (iii)in Fred's living room without Fred's invitation. Even though primordial possession exists in each case, Jim's overall *interest* is different in each case because of the differences in pre-existing *title*.

(i) Because this forest is not claimed by anyone, Jim's *interest* in his points-of-contact in the forest are defined purely in terms of his natural right to live and breathe and have his being at those points-

of-contact. Jim's *interest* is strictly primordial. He can expand or contract his ownership of those points-of-contact in space and time according to his own discretion, and his own desire to possess. There are no competing *interests* to limit expansion and contraction.

(ii) When Jim was invited over to Fred's house, as he was standing in Fred's living room, Jim still had this primordial *interest* in his points-of-contact with Fred's living room. But added to this *interest* was the implicit acknowledgement that Fred owned the house, and that Jim would respect Fred's *ownership* by behaving in certain ways. Jim wouldn't start a campfire on Fred's living room floor, as though it were the floor of a primordial forest. Jim wouldn't urinate in a corner as though it were a tree in the forest. Jim wouldn't pick up items in Fred's living room and put them into his pockets as though they were doodads Jim picked up off the forest floor. In short, Jim's *interest* in this case is the combination of his primordial *interest* and the implicit acknowledgment of Fred's *title*; implicit acknowledgment of Fred's *interest* and *ownership* of his *real property*; and implicit acknowledgment of the fact that Jim's primordial *interest* in Fred's living room exists only because Fred allowed it by inviting Jim to his house, and because Jim consented to the invitation. Jim cannot expand his ownership of these points-of-contact in either space or time without entering into competition with Fred's pre-existing claim.

(iii) When Jim went over to Fred's house without being invited, Jim still had his primordial *interest* in his points-of-contact as he stood in Fred's living room. But Jim's overall *interest* in Fred's property, this time, was a combination of Jim's primordial *interest* with an implicit repudiation of Fred's *title*; an explicit violation of Fred's *interest* in and ownership of his *real property*; and an implicit act of theft against Fred. Jim was imposing an *interest* on Fred's property without Fred's consent. Jim was thereby stealing an *interest* in Fred's property, or at least attempting to exercise some kind of *adverse possession*. Jim's overall *interest* in this case is a combination of his primordial *interest* with the *interest* that he was taking from Fred.

These hypothetical situations show that a natural person's physical presence on land must necessarily invest a genuine interest of the given person in the land occupied. The interest may be momentary or temporal, but it's certain that the interest is real. In each of these three situations, Jim's points-of-contact don't qualify facially

as acts of labor on land. One's first impression might be that these don't qualify as having economic value under Crusoe economics. But further consideration demands that every human being's points-of-contact with land are every natural person's most primordial **secondary property**. Without those points-of-contact, human beings don't have the vantage point necessary for doing labor on land. So such points-of-contact are necessarily primordial **secondary property**. Without this kind of primordial **secondary property**, any kind of labor would be impossible. So primordial **secondary property** forms a bridge between **primary property** and **secondary property**, and is a necessary enhancement to Crusoe economics. With this necessary enhancement, it will become more obvious how free market processes are a more reliable source of title than an *enfeoffment* or *patent* from the alleged *sovereign*.

In passing, it's important to recognize that point-of-contact land has purposes beyond economic purposes. Even when one is not working, laboring, one still has these points of contact. Similar to the way point-of-contact land ownership is a prerequisite to doing economically productive labor, land set aside for religious purposes is a prerequisite to ensuring that labor is genuinely dedicated to genuinely constructive projects, rather than to what Austrian economists call "malinvestment". In this context, natural parks can be understood to be important to the worship of God in nature, while church and other religious properties can be understood to be important to the worship of God in cities and communities. Such properties, like point-of-contact land, transcend the normal claim that all wealth derives from land and labor. That's because in these exceptional cases, there is no labor involved, but only presence of **primary property** on land. For this reason, it's necessary to expand Crusoe economics' definition of labor to include the relatively sedentary activities of merely existing on land or resting.

homesteading:

Because land is the most fundamental of all **secondary properties** – because all products that are crucial to physical survival (food, clothing, shelter, *etc.*) derive ultimately from land by way of labor – it's far more foundational to understand how lawful title to land is established than it is to understand how title to some other kind of **secondary property** is established. By understanding ownership of *real property*, ownership of *personal property* becomes easy to understand. Ownership of land must necessarily exist to some extent by way of one's point-of-contact. If the land on which one has one's points-of-contact is un-owned by anyone else, then the *interests* formed by those points-of-contact constitute absolute ownership. This is true even though such absolute ownership is always finite in space and time, because humans are finite in space and time. But if a person claims more than mere points-

of-contact, then, within reason, it's reasonable for such primordial ownership to expand. Rothbard addresses this issue like this:

> Crusoe finds virgin, unused land on the island; land, in short, unused and uncontrolled by anyone, and hence *unowned*. By finding land resources, by learning how to use them, and, in particular, by actually *transforming* them into a more useful shape, Crusoe has, in the memorable phrase of John Locke, "mixed his labor with the soil." In doing so, in stamping the imprint of his personality and his energy on the land, he has naturally converted the land and its fruits into his *property*. Hence, the isolated man *owns* what he *uses* and *transforms*; therefore, in his case there is no problem of what *should be* A's property as against B's. Any man's property is *ipso facto* what he *produces*, i.e., what he transforms into use by his own effort. His property in land and capital goods continues down the various stages of production, until Crusoe comes to *own* the consumer goods which he has produced, until they finally disappear through his consumption of them.[1]

Hans-Hermann Hoppe also summarizes these ideas in the Introduction to Rothbard's **Ethics**:

> [E]very person owns his own physical body as well as all nature-given goods which he puts to use with the help of his body before anyone else does; this ownership implies his right to employ these resources as one sees fit so long as one does not thereby uninvitedly change the physical integrity of another's property or delimit another's control over it without his consent. In particular, once a good has been first appropriated or homesteaded by "mixing one's labor" with it (Locke's phrase), then ownership of it can only be acquired by means of a voluntary (contractual) transfer of its property title from a previous to a later owner. These rights are absolute. Any infringement on them is subject to lawful prosecution by the victim of this infringement or his agent, and is actionable in accordance with the principles of strict liability and the proportionality of punishment.[2]

Homesteading, in these economists' views, is clearly related to doing labor on land. Although labor is certainly important, so is resting from labor. So in the view of this exposition, the definition of labor should be expanded to include preparing land as a place to rest, as well as actively using the land as a place of rest. With

1 Rothbard, **Ethics of Liberty**, p. 34.

2 Rothbard, **Ethics of Liberty**, p. xvi.

this slight modification of what it means to mix one's labor with land, it's clear that homesteading is the act of mixing one's labor with land, where the land is otherwise un-owned. So homesteading is the act of extending one's ownership of **primary property**, to ownership of **secondary property** in the form of points-of-contact, to ownership of **secondary property** by mixing labor with land, and thereby producing capital goods and consumer goods (*personal property*) through this mixture.

Hoppe indicates that the other way to acquire ownership of land is through "a voluntary (contractual) transfer of … property title from a previous to a later owner". Rothbard indicates that out of these two methods of ownership acquisition, homesteading and voluntary, contractual transfer,[1] entire economic systems can arise. The third method, every person's *interest* in his/her point-of-contact, is necessary, but becomes more a background method as the economic system develops.

> We have been describing the free society as one where property titles are founded on the basic natural facts of man: each individual's ownership by his ego over his own person and his own labor, and his ownership over the land resources which he finds and transforms.[2]

land & labor:

The type of economic system that is the automatic outgrowth of the global covenant is a free market, meaning an economic system in which all *delicts* are proscribed. All land that is acquired lawfully is acquired through free market processes. So lawful title to land derives from free market processes. According to common sense, everything that has economic value derives from the combination of land (to be understood generally, like the word, "terra", earth, which includes oceans and atmosphere as well as soil and minerals) and labor (meaning any expenditure of human mental and/or physical energy). Even things that are stolen have their origins in these two sources. According to common sense, one's ownership of one's body defines one's **primary property**. Ownership of anything beyond one's body is ownership of **secondary property**. **Primary property** does not have economic value, because living human beings are not bought and sold, except when they are victims of *delictual* behavior. But one's labor has economic value because such labor can be bought and sold. In fact, all lawful economic value derives from the combination of labor and land. People own their labor by natural right. Ownership of **secondary property** is also a natural right, as a universal capacity, a potential.

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1 Which should be understood in this context to include gifting.

2 Rothbard, **Ethics of Liberty**, p. 41.

Although all **secondary property** is acquired ultimately through labor on land, either through homesteading or through mutual consent (via gifting or trading), every human being's points-of-contact with land are every natural person's most primordial **secondary property**. Without those points-of-contact, human beings don't have the vantage point necessary for doing labor on land. So such points-of-contact are necessarily primordial **secondary property**.

> A man then, can acquire "wealth"—a stock of useful capital or consumer goods—either by "producing" it himself, or by selling to its producer some other product in exchange. The exchange process reduces logically back to original production. Such production is a process by which a man "mixes his labor with the soil"—finding and transforming land resources *or*, in such cases as a teacher or writer, by producing and selling one's own labor services directly. Put another way: since all production of capital goods reduces ultimately back to the original factors of land and labor, all production reduces back either to labor services or to finding new and virgin land and putting it into production by means of labor energy.[1]
>
> A man may also obtain wealth voluntarily in another way: through gifts.[2]

So in the *secular* free market, all ownership reduces to (i)"ownership by each man of his own" **primary property**, including his labor; (ii)primordial *interest* in one's points-of-contact, meaning primordial **secondary property**; (iii)"ownership by each man of land which he" homesteads; (iv)"the exchange of the products" of mixing land and labor; and (v)gifts of such products.

> In the free society we have been describing, then, all ownership reduces ultimately back to each man's naturally given ownership over himself, *and* of the land resources that man transforms and brings into production. The *free market* is a society of voluntary and consequently mutually beneficial exchanges of ownership titles between specialized producers.[3]

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1 "That capital goods reduce back to land and labor as original factors is a fundamental insight of the Austrian School of economics. In particular, see Eugen von Bohm-Bawerk, *The Positive Theory of Capital*, vol. 2 of *Capital and Interest* (South Holland, Ill.: Libertarian Press, 1959)." — This note is in Rothbard's text, **Ethics of Liberty**, p. 37.

2 Rothbard, **Ethics of Liberty**, p. 37.

3 Rothbard, **Ethics of Liberty**, p. 40.

trading & conveyancing:

Before addressing *conveyances*, meaning transfer of titles to land, it's important to establish the context of trading in general within a free market.

> Economics has revealed a great truth about the natural law of human interaction: that not only is *production* essential to man's prosperity and survival, but so also is exchange. In short, Crusoe, on his island or part thereof, might produce fish, while Friday, on his part, might grow wheat, instead of both trying to produce both commodities. By exchanging part of Crusoe's fish for some of Friday's wheat, the two men can greatly improve the amount of both fish and bread that both can enjoy. This great gain for both men is made possible by two primordial facts of nature—natural laws—on which all of economic theory is based: (a) the great variety of skills and interests among individual persons; and (b) the variety of natural resources in geographic land areas.[1]

So this is how a society, and an economic system, that bases ownership entirely upon natural law, develops. Rothbard notes further that what's exchanged within the free market is title, meaning rights of ownership, not the goods, services, products, land, *etc.*, themselves.

> What is really being exchanged is not the commodities themselves, but the *rights of ownership* of them.[2]

It's extremely important to understand that this approach to property, exchange, and ownership traces all valid titles back to these five origins of ownership indicated above. This applies to ownership of land as much as it does to ownership of anything else. What's exchanged is not the land, but the titles to the land. So ownership of land that's based in natural law eliminates the need to rely on *patents* and *enfeoffments* issued by statists, as though such instruments could ever constitute genuine source of land title. It's crucial to note that this source of title also eliminates *allodial*, *fee simple absolute* title. This latter breed of statist title is "an estate limited absolutely to a man and his heirs and assigns forever without limitation or condition".[3] Given that human beings are localized in space and time, and given that occupancy, possession, and usage are more natural measures of genuine ownership than title that originates in a statist sovereign, "an estate limited … to a man and his heirs and assigns forever" is a form of title that recognizes no limitation in time. This is comparable to concepts

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1 Rothbard, **Ethics of Liberty**, p. 35.

2 Rothbard, **Ethics of Liberty**, p. 36.

3 **Black's 5th**, p. 554.

of title that have grandiose claims spatially. Rothbard recognized the latter as a "Columbus complex".

> [S]uppose that Crusoe decides to claim more than his natural degree of ownership, and asserts that, by virtue of merely landing first on the island, he 'really' owns the entire island, even though he had made no previous use of it. …
>
> Some theorists have maintained—in what we might call the 'Columbus complex'—that the first discoverer of a new, unowned island or continent can rightfully own the entire area by simply asserting his claim.[1]

In supreme Court jurisprudence, this has been called the "doctrine of discovery", and the supreme Court REALLY has upheld this line of stupidity. This is evident by looking at John Marshall's opinion in *Johnson & Graham's Lessee v. McIntosh*, 21 U.S. (8 Wheat.) 543 (1823).[2] — For Crusoe, or anyone else, "to claim more than his natural degree of ownership", either in time or in space, manifests delusions of grandeur that deserve to be tested by anyone inclined to make the test.

adverse possession versus trespass:[3]

(i)Given that *allodial* title is bogus because its claim is grandiose because it stretches indefinitely into the future; (ii)given that title that finds its origins in the "doctrine of discovery" is bogus because it originates in the "Columbus complex" rather than in one of these concepts of ownership that is consistent with natural law, and its claim is thereby grandiose because it stretches delusionally in space; (iii)given that humans are limited in time and space, and titles to land necessarily are also likewise limited; (iv)given that *patents* and *enfeoffments* from statists are incapable of being lawful origins of a chain of title; (v)given that both *de facto* State and general governments are claiming massive expanses of land that they do not possess lawfully according to these ownership principles; and (vi)given that fraudulent banks and corporations claim that they own massive expanses of land to which they do not have lawful title; huge expanses of American land are subject to lawful claims through *adverse possession*.

> *adverse possession* — A method of acquisition of title to real property by possession for a statutory period under certain

1 Rothbard, **Ethics of Liberty**, p. 47.

2 URL: https://supreme.justia.com/cases/federal/us/21/543/. — URL: http://BasicJurisdictionalPrinciples.net.

3 Given the acquisitive nature of the *de facto* corporate-fascist system, and its lack of legitimacy, all property, both public and private, is now vulnerable to *adverse possession*.

> conditions. … It has been described as the statutory method of acquiring title to land by limitation. …
>
> Because of the statute of limitations on the bringing of actions for the recovery of land, title can be acquired to real property by adverse possession. …
>
> Adverse possession depends on intent of occupant to claim and hold real property in opposition to all the world …; and also embodies the idea that owner of or persons interested in property have knowledge of the assertion of ownership by occupant …
>
> Adverse possession consists of actual possession with intent to hold solely for possessor to exclusion of others and is denoted by exercise of acts of dominion over land including making of ordinary use and taking of ordinary profits of which land is susceptible in its present state.[1]

Given that title to land is claimed unlawfully by criminals, even criminals operating under *color of law*, *adverse possession* in regard to such land is essentially a form of homesteading. Because title to land is never as absolute as statists and feudalists claim, *adverse possession* becomes a very genuine free-market mechanism for acquiring title consistent with natural rights. On the other hand, wherever land is possessed and owned through these free-market mechanisms, whenever someone else attempts to claim such land through *adverse possession*, this outsider is essentially perpetrating *trespass*.

conclusion:

Given this brief sketch of how property rights and land ownership arise naturally out of natural rights, it's possible to return to the core issue in this subsection, which is how a stand-alone *secular social compact* might arise. In this hypothetical legal action, the natural-rights-honoring *denizen* would present this natural-rights-based conception of land ownership to the court, and his minarchist adversaries would attempt to rebut the *denizen*'s legal theory with their own feudalism-based conception of land ownership. If the court is lawful, it will naturally find in favor of the *denizen*, which would naturally undermine the pseudo-*jural society*'s conception of itself as a real *jural society*. If the court is unlawful, then it will find in favor of the minarchists, and in favor of continuing the statist mythology indefinitely into the future.

Regarding whether or not the *denizen* had lawful title to the land at issue, if the *denizen* acquired the land through lawful free-market processes, and if the land were *unencumbered*, then the *denizen* would have *absolute ownership* and *absolute title*. Of

1 **Black's 5th**, p. 49.

course, if the *denizen* lacked lawful title to the land, then even though the court accepted his legal theory of land ownership as valid, whether the pseudo-*jural society* could take lawful possession of it or not would become much more complicated.

Regarding whether it's lawful for a lawful *secular social compact* to own land, it's reasonable for this court to determine that it is lawful for a *jural society* to own *real* and *personal property* only to the extent that such **secondary property** is necessary to the fulfillment of the *jural society*'s purpose. Ownership by a *jural society* is absolutely not equivalent to its geographical jurisdiction, because such equivalence requires *dominion*, and *dominion* is *ultra vires*. But ownership of land by a *jural society*, where the purpose of the ownership is exclusively to fulfill a lawful *jural* function, like establishing a courthouse and jail, must be allowed if the *jural society* is to fulfill its purpose and function.

This subsection shows that it may be very difficult for stand-alone *secular social compacts* to develop in the current cultural milieu. Although it's important for people to try anyway, in many ways, it may be easier to convert the *de facto* governments, which are in fact jurisdictionally dysfunctional *secular social compacts*, into jurisdictionally functional *secular social compacts*. The latter development is obviously a massive undertaking. Many hands make light work. If the educational process is thorough, it might be easier and more effective long term to convert the *de facto* compacts. This possibility will be addressed shortly.

(4) Conclusions About Stand-Alone Secular Social Compacts:

Question: What does it mean to own property and have *lawful* title to it?

Answer: Every human being is born with *absolute title* to his/her body. Because every human is born with a lack of capacity to abide by the natural law, every human is born with an inability to exercise full dominion over his/her body / **primary property**. Such dominion is so lacking that the infant is not even capable of providing for his/her self the basic essentials of day-to-day survival. Therefore, the infant's *absolute title* is *bailed* into the guardianship of parents or other guardians who, according to the *de facto bailment* contract, will care for the infant until the infant acquires the basic essentials of day-to-day survival. When the *bailment* contract ends at the transition from childhood to adulthood, the new adult assumes full legal responsibility for his/her *absolute title* to his/her **primary property**. If the *bailee* is a good *bailee*, and if the young adult has acquired the necessary skills, then the *bailee* will leave the young adult with *unencumbered* ownership of his/her **primary property**, meaning *unencumbered* by any contractual obligations for which the young adult has not given genuine consent.

After the rite of passage from childhood to adulthood, and the end of the *bailment* contract, the young adult still has an inability to exercise full dominion over his/her **primary property** because he/she still lacks full capacity to abide by natural law. But as far as human law is concerned, an adult who is not an idiot or moron and who is not in a coma or severely disabled in some other respect, has *capacity*. All other humans must treat any human with *capacity* as having *absolute title* and *absolute ownership* of his/her **primary property**, even though such ownership is always vitiated by normal disabilities. Normal disabilities are instances in which a human is unable to keep the natural law in one or more of the three legs of the natural-law tripod. Because every lawful *jural compact* is established on the principle that all humans have *absolute title* to their **primary property**, every *secular social compact* is based on the same principle. Clearly, anyone with disabilities could be party to contracts aimed at mitigating those disabilities, as every child should be *bailed* into *bailment* contracts with trustworthy *bailees*.

While ownership is the exercise of property rights, *title* is the recognition that one is entitled by circumstances to own. So *absolute title* and *absolute ownership* are close, but not the same. *Absolute ownership* indicates an *interest* in the owned object that is *unencumbered* by lawful challenges to the ownership. As far as biblically prescribed human law is concerned, every human has *absolute ownership* of his/her **primary property**, with two exceptions: (i) *Absolute ownership* of **primary property** can be vitiated by lawfully consensual contracts. Because infants lack capacity to give cognitive consent, the infant's consent to being *bailed* into the custody of a worthy *bailee* is tacit. (ii)*Absolute ownership* of the **primary property** of a perpetrator is negated in proportion to the damage done by the perpetrator's *delict*.

The principles of property ownership that apply to **secondary property** are largely the same as those that apply to **primary property**. In regards to both **primary** and **secondary** property, *absolute ownership* indicates an *interest* in the owned object that is *unencumbered* by lawful challenges to the ownership. If one stands in a primordial, un-owned forest, then it's true that one has *absolute ownership* of one's points-of-contact with the earth. One's ownership of such points-of-contact is unchallenged by anyone else's lawful claim to have an *interest* in those points-of-contact. If one decides to extend one's points-of-contact in time and space, then one might set up a permanent camp in this primordial forest, complete with demarcation of the boundaries of such *real property*. As long as no one else is around, no one else can make any lawful claim to having an *interest* in such *real property*. The same is true

for whatever *personal property* one might produce through one's labor on such land. Because no one else has any lawful *interest* in any of this **secondary property**, regardless of whether it's *real* or *personal*, this human has *absolute title* and *absolute ownership* of all of it, in the human-law sense. Such *absolute ownership* of such **secondary property** could be lost either through *adverse possession* or through the human's entry into a contract. Although *absolute ownership* of **primary property** can never be lost through *adverse possession* (which would be slavery), it can be *encumbered* contractually. But such *encumbrances* are mitigated by the proscription of *delicts*.

Question: Is it lawful for a *jural society* to own anything, including land?

Answer: A *jural society*'s subject-matter jurisdiction is extremely limited. Everything it does is lawfully limited by its lawful jurisdiction. In the same way that no one expects a vigilance committee to own anything, a *jural society*'s capacity to own things is limited by its purpose for existing. If it claims anything outside that purpose, then it is operating *ultra vires*. If a *jural society* determines that it's critical to its fulfillment of its purpose for it to own a courthouse, a jailhouse, or some other facility, then it's lawful for the *jural society* to procure such land and to do the necessary construction. But this recognition of the *jural society*'s capacity to own land needs to be accompanied by a disclaimer: *Jural societies* are inherently fallible, and therefore need to be subject to constant scrutiny by those who dwell within their geographical jurisdiction. Both citizens and *denizens* need to be constantly vigilant to the lawful jurisdiction.

Question: What are the differences between ownership by a single human and ownership by a *jural society*?

Answer: The ownership by a *jural society* is no different from the ownership of *real* or *personal property* by a group of people who own the property together through a contract. Such ownership by a *jural society* needs to be administered not only by office holders within the *jural society*, but also by the *secular social compact*'s administrative entity. In keeping with the separation of powers doctrine, the *social compact*'s administrative entity administers *continuity political laws* of both the *jural* and *ecclesiastical compact*, as well as *jural* taxes and takings. If ownership by a *jural society* is likely to create conflicts of interest, then it should be administered by the *political law* administrative entity that operates immediately under the *secular social compact*. Otherwise, it defaults to being administered by the *jural society* itself. In joint ownership by a group of people, each person has an *interest*.

Obviously ownership by a single human is not subject to all these complexities. Even so, in any lawful *ecclesiastical* court, neither ownership

by a single human nor ownership through contract by multiple people should receive preferential treatment over the other.

Question: What's the distinction between a *jural society*'s geographical jurisdiction and its ownership of land?

Answer: To avoid jurisdictional dysfunction, both a *jural society*'s geographical jurisdiction and its ownership of land are subject to subject-matter constraints. Other than that commonality, the two are very different. The lawful *jural society* does not and cannot own its geographical jurisdiction in the sense of having *dominion* over it. Such *dominion* would be an absolute perversion of its purpose. Its *interest* in its geographical jurisdiction is limited to its purpose, its subject-matter jurisdiction. The lawful *jural society*'s ownership of *real property* is also limited by the *jural society*'s subject-matter jurisdiction. But there is a major difference between geographical jurisdiction and ownership. The lawful *jural society*'s *interest* in its *real property* is exclusive. Because its *interest* is limited by its subject-matter jurisdiction, it's not appropriate to say the *jural society* has *absolute ownership* of its *real property*. Nevertheless, it's a perversion of the *jural society*'s purpose for it to be in any kind of debt bondage to anyone, or to allow its ownership to be compromised by any kind of competing *interest*. Such debt-slavery is an inherent conflict of interest, and so is any kind of such competing *interest*. So the *jural society* needs to own its *real property* exclusively. The same is true of its *personalty*.

One of the reasons it's crucial that a *secular social compact*'s *jural* sub-compact be limited in its ability to own *real* and *personal property* is because it needs to allow *religious social compacts* to exist within its geographical jurisdiction without going into competition with them. Another is that it needs to allow *secular social compacts* to exist within its geographical jurisdiction, like a county within a State.

Question: In the example case, if the court had determined that the *jural society* had jurisdiction to take the *denizen*'s land, how would the *jural society* administer that taking?

Answer: If the *jural society* took the land itself, there would be an obvious conflict of interest. Because of conflicts of interest, it's always best for the administrative entity immediately under the *secular social compact* to administer *jural* taxes and takings. In other words, this administrative entity is the *secular social compact*'s tax collector. This arrangement assumes the taxes and takings are utterly voluntary. It also assumes that the taxes and takings are allocated exclusively to lawful *jural* functions.

Question: If *title* doesn't come from the State by way of some *patent* or *enfeoffment*,

then where does it come from?

Answer: It's inherently unlawful for a *jural society* of any kind, and for a *social compact* of the *secular* kind, to claim *dominion*, meaning *absolute ownership*, over anything. No one can give something that he/she doesn't own. So lawful *secular social compacts* are incapable of giving *patents* and *enfeoffments*. Neither can any lawful *jural society*, even if the *jural society* is part of a *religious social compact*.

A genuinely free market is defined by the proscription of *delicts* and the requirement for just penalties for contract breakers. So the free market operates by processes that proscribe such Genesis 9:6 damage. No *secular* government can lawfully grant *patents* and *enfeoffments* to anything.[1] Such free-market processes are based on property ownership. So such processes must necessarily recognize mechanisms for such property procuration. There are essentially five such mechanisms, as indicated above. These are the only sources of genuine title, even if a group of people share the title.[2]

Regarding intellectual property, meaning *title* to copyrights and *title* to *patents* of technological processes, these are clearly outgrowths out of the creator's point-of-contact over **secondary property**. Every lawful *jural society* needs to recognize them as such. On the other hand, it's silly to think such point-of-contact extends infinitely into the future, given the finite nature of the creator's life, and it's silly to think that such point-of-contact can be contractually conveyed to secondary parties *ad infinitum*. So the courts need to set reasonable limits on intellectual property *titles*. Otherwise they breed monopolies, which are inherently prone towards destructiveness of societies. If the creator of such intellectual property were to make it clear to all concerned what limits he/she wants to see on his/her intellectual property rights, and to enforce those reasonable limits contractually, this would probably facilitate a solution.

Question: In regards to a *jural society*'s *continuity political laws*, how does the *secular social compact*'s *jural society* get cognitive consent from anyone to operate by majority rule?

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1 On the other hand, it is perfectly lawful for a court to recognize *title* that has been procured lawfully through free-market processes. It may also be lawful for the *secular social compact*'s administrative entity to keep records of such lawfully procured *title*.

2 What about gifts and inheritances? — If the gift-giver has lawful *title*, and he/she transfers *title* to someone else by giving the gift, then the recipient procures genuine *title* through the second mechanism, by expanding his points-of-contact over the thing in time and space.

Answer: Because a *jural society* needs to operate for an indefinite duration, unlike a vigilance committee whose duration is limited to the consummation of a single case, a *jural society* needs to operate by majority rule in regard to its *political laws* that stipulate elections. Because all of a *jural society*'s elections are otherwise prone to conflicts of interest, the *secular social compact*'s administrative entity should administer such *continuity-political-law* elections.

Because this arrangement is crucial to the *jural society*'s success, it's reasonable and probably crucial for the *jural society* to require a commitment to abide by majority rule in regard to such elections, as part of the oath of citizenship.

Question: How will a *secular social compact* define its relationship to a *denizen* within its geographical jurisdiction?

Answer: The *secular social compact* will treat the *denizen* within its territorial jurisdiction as being subject to its *jural laws*, but not generally subject to its *continuity political laws*.

Question: What if someone within the *secular social compact*'s presumed *in personam* jurisdiction refuses to cooperate with any of its *political laws*, where the *political laws* could be administered by *jural society*, *ecclesiastical society*, or administrative entity immediately under the *secular social compact*?

Answer: Adoption by a citizen of such a posture would be the beginning of the citizen's transition into *denizenship*. Adoption by an alien of such a posture would not be a concern to the *secular social compact* because aliens are not generally subject to its *political laws* anyway.[1] Adoption by a *minor* of such a posture, where the *minor* was *natural born* in the territorial jurisdiction, and where the *minor* grows into *majority* without changing that posture, means that this person is a *denizen*, and the *secular social compact* would generally treat him as such. This means that the *secular social compact*'s administrative

1 If the existence of the alien within the *secular social compact*'s geographical jurisdiction comes to the attention of the *secular social compact*, then it's reasonable for its administrative entity to check whether the alien comes from a jurisdiction that is committed to the natural-rights polity or not. A jurisdiction that is not is inherently inimical. This doesn't mean the alien is inimical, but it does mean that the alien's presence should be held to a higher scrutiny than an alien who comes from a jurisdiction that is committed to the natural-rights polity. The alien from an inimical jurisdiction should go through channels to be in the natural-rights jurisdiction, channels not required of other aliens. This is because the non-natural-rights jurisdiction is inherently a threat, and any alien from such a jurisdiction should also be treated as inherently a threat, a *delict*, which is grounds for deportation.

entity would not have any dealings with such a *denizen* / alien unless the *denizen* / alien allegedly damaged someone else *ex delicto* or *ex contractu*. If either the *jural society* or the *ecclesiastical society* get jurisdiction over this alien / *denizen* through the normal procedures for establishing jurisdiction, starting with a legal action, then those two societies will proceed against this person without regard to whether he is an alien, a *denizen*, or a citizen, and without regard to whether he objects to the *procedural political laws* or not.

Question: If person A refuses to consent to abide by majority rule, then how does the society at large gain lawful power to enforce its *jural political laws* against person A?

Answer: If person A refuses to abide by majority rule, then the society at large cannot gain lawful power to enforce *jural political laws* against person A to the extent that those *political laws* are *continuity political laws*. But if the *political laws* in question are the *jural society*'s *procedural political laws*, then the only extent to which the society at large can enforce those *political laws* is through normal procedures for establishing the *jural society*'s **jurisdiction**. In other words, a plaintiff needs to present evidence to a *trier of fact* that establishes that the *jural society* has *in personam* jurisdiction, subject-matter jurisdiction, and territorial jurisdiction in regards to some damage allegedly caused by this person.[1] When jurisdiction is established in an action *ex delicto*, the defendant is subject to the *jural society*'s *procedural political laws* regardless of whether he consents to it or not.[2]

Question: How does the *secular social compact* remain lawful when some people within the territorial jurisdiction dissent from its political decisions, and may even openly contend that the *secular social compact*'s existence is unlawful?

Answer: The *secular social compact* remains lawful by staying focused on its purpose. Its purpose is to execute justice in regards to Genesis 9:6 damage. It does this by refusing to be biased by race, *religion*, sex, social status, titles of nobility, citizenship, *denizenship*, *alienage*, or anything else that is irrelevant to its purpose.

Question: Given that a *secular social compact* cannot rely upon pre-cognitive consent as its ticket to perpetuity, how can its *political laws* be structured to allow it to

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1 *Trier of fact* indicates a petit jury, a judge if trial by jury has been waived, or a grand jury as a preliminary *trier of fact*. If the *delict* is a *public delict*, then the plaintiff is by default the *jural society*. If the *delict* is *private*, then the plaintiff is a private citizen.

2 *Procedural political laws* include rules of court, rules of evidence, rules of practice, and other such essentials, as indicated above.

have a perpetual and efficacious existence?

Answer: It's important for the *secular social compact* to follow the guidelines sketched above in regards to the citizen's oath to abide by majority rule, the allowance for *denizenship*, the implementation of the separation of powers, strict adherence to jurisdictional boundaries, *etc.*

Question: Do the *political laws* that are terms of a lawful *secular social compact* and its two sub-compacts have the attribute of being *public* or *private*?

Answer: As defined in this exposition, a *public contract* is a contract that has all parties to a *social compact* as parties to the contract. The *public contract* includes everyone with capacity within the *social compact* as party. In contrast, a *private contract* only includes some fraction of this total population as party to the contract. Because a *secular social compact* and its two sub-compacts are *public contracts*, the *political laws* within each of these three kinds of compacts are also *public*. The *political laws* are terms of *public contracts*. Even so, there are limitations on the applicability of such *political laws* to any given human within the population, according to whether the sub-compact has established lawful jurisdiction in a given legal action, in regards to *procedural political laws*, and whether the given human is a *denizen* or a citizen, in regards to *continuity political laws*.

Question: How are taxes and takings to be collected within a *secular social compact*?

Answer: Taxes and takings are essentially requests for voluntary support. If they ever become threatening, they cease to be voluntary and become *delictual*. As much as possible, these requests for voluntary support should be made uniformly, meaning that the requests should be spread evenly across the population. Because the *secular social compact* must avoid preferential treatment of litigants, it's absolutely crucial that no attention be paid to how much any given litigant has volunteered. When courts become biased by such information, and play favorites based on such donations, the courts automatically cease being lawful, and become corrupt instead. As long as spending is maintained within the jurisdictional scope of the two *secular* sub-compacts, the tax burden should be relatively small, and should be easy to satisfy, so that the society's propensity to bias is minimal. In general, *ecclesiastical* court costs should be paid via fees imposed on litigants. In regard to *private delicts*, the same is true for *jural* court costs. *Jural* court costs in regard to *public delicts* should be paid with *jural* taxes that are collected by the *secular social compact*'s administrative entity. Fees for court costs in regard to such *public delicts* should also be collected via this entity. *Jural* taxes should also be collected by this entity to pay for the maintenance and expenses of the militia and the police.

Question: What is a militia, and why should a *secular social compact* have one?

Answer: Every *jural society* should have some kind of militia. This is true of *jural* sub-compacts of both *secular social compacts* and the more fully functioning *religious social compacts*. The militia exists to prosecute *delicts*, similar to the way a *jural society*'s police prosecute *delicts*. However, while police prosecute *delicts* within the *jural compact*'s geographical jurisdiction, the militia exists to prosecute *delicts* that originate from outside the geographical jurisdiction. If the need for a militia is minimal, then it could be extremely informal and voluntary. If there are external threats by large inimical forces outside the geographical jurisdiction, then the need for a militia is probably maximal. If the need is maximal, then the militia should be formal and rigorous. It would still be voluntary, but it might demand the participation of every citizen, meaning every party to the *secular social compact* who has taken an oath of citizenship, where the oath stipulates prior consent to participation.

History shows that standing armies are a menace. It also shows that vulnerability to attack is a menace. Between these two extremes, the militia should be maximized and minimized as the need is foreseen.

One big difference between a militia and a *jural society*'s internal police force is that the internal police should be very aggressive in prosecuting *public delicts*, whereas a militia should be almost entirely defensive. No lawful *social compact* can be involved in war and remain lawful at the same time unless its cause is just. When there is an alleged *delict* – like the attack on the Maine, the attack on the Lusitania, the attack on the Maddox in the Gulf of Tonkin incident, and the attacks on 9/11/01 – and where first-hand, personal knowledge about the alleged *delict* is relatively scarce, meaning the information is filtered by multiple second-hand sources, alleged knowledge about the *delict* becomes unreliable because it is mostly hearsay.[1] Under such circumstances, the possibility for false-flag operations with nefarious ulterior motives is huge. It's therefore crucial, for the sake of making sure the militia has a just cause, that the evidence piles so high that there is no doubt about

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1 Notorious false-flag operations intended as pretexts for war include: "Mukden incident" (1931), "Gleiwitz incident" (1939), "Mainila incident" (1939), "Operation Ajax" (1953), "Lavon Affair" (1954), and "Operation Northwoods" (1962). — URL: https://en.wikipedia.org/wiki/False_flag.

Other possible, controversial, and disputed false-flag operations to manipulate public opinion and public policy include the Reichstag fire (1933), the first World Trade Center bombing (1993), the Murrah building bombing (1995), and the "terrorist" incidents on September 11, 2001.

whether it's a just cause or not. This takes great self-restraint, and a huge capacity for self-criticism.

Under these circumstances, every *jural* sub-compact of a *secular social compact* should have a militia.

(5) Confederation of Social Compacts:

As indicated, by definition, a lawful *secular social compact* presumes to encompass all faiths within a single umbrella compact. It does this by strictly observing its purpose and refusing to deviate from the jurisdiction that arises from that purpose. By constraining itself within its lawful jurisdiction, it allows the people dwelling within its geographical jurisdiction to exercise their natural right to contract. As long as contracts do not call for the perpetration of *delicts*, people can bind themselves into *religious* communities, or not, as they see fit. They can also bind themselves into *secular social compacts* as they see fit. So within the population of a given *secular social compact*, by way of the liberty to contract, a multiplicity of *religious* and *secular social compacts* can arise under the umbrella of the original *secular social compact*.

If one ignores the fact that America's extant *secular* governments have gone rogue, and that the States are all jurisdictionally dysfunctional, it's easy to conceive of the States as multiple *secular social compacts* that have arisen under the umbrella of the original *secular social compact*, the "general government". Although it's conceivable that the States are jurisdictionally dysfunctional *secular social compacts* that have arisen under the jurisdictionally dysfunctional general government, in fact, the jurisdictionally dysfunctional States gave rise to the jurisdictionally dysfunctional general government. But for the sake of understanding the confederation of *social compacts*, order of formation is nowhere as important as jurisdiction. In fact, all the States are jurisdictionally dysfunctional *secular social compacts* that exist under the umbrella of the jurisdictionally dysfunctional general government. Likewise, each of the counties, cities, and towns is a jurisdictionally dysfunctional *secular social compact* that exists under the umbrella of a jurisdictionally dysfunctional encompassing *secular social compact*.

Because all humans are mandated to abide by the *negative-duty clause* and the *positive-duty clause*, *jural* and *ecclesiastical* compacts need to exist, at least in contemplation, in each of the *religious* and *secular social compacts* that is encompassed by a *secular social compact*. — If a *secular social compact* lacks either a *jural compact* or an *ecclesiastical compact*, then it's clear that this is not a *de jure secular social compact*. Existing *secular* governments may contain these sub-compacts, but these *de facto* sub-compacts are ill defined. All extant *secular* governments within the *united States* are jurisdictionally dysfunctional *secular social compacts*, and they are therefore

perpetrators of Genesis 9:6 damage perpetuated under *color of law*. *Delictual* behavior needs to be opposed no matter where it comes from. — If a *religious social compact* lacks either of these two sub-compacts, then it's clear that this *religious social compact* is also jurisdictionally dysfunctional. But there's little or nothing that an outside observer can lawfully do to change such a *religious social compact*, as long as the compact is not causing Genesis 9:6 damage.

The fact that jurisdictions are embedded within jurisdictions in the *metaconstitution's* network of *social compacts* presents the opportunity for *appellate review* of the judicial decisions of encompassed jurisdictions. According to the *metaconstitution*, such *appellate review* already exists, but in a jurisdictionally dysfunctional condition. As long as the subject matter of an appellate case is confined to Genesis 9:6 damage, it should be possible for the case to originate from either a *religious* community or a *secular* community. Even so, it would be extremely imprudent for any *secular* appellate court to acquiesce to a petition for *appellate review* of a case involving breach of a *religious social compact*'s *public contract*, where the breach involved a *delict*-free *malum in se*. If such a case were to go into an appellate process at all, it should be appealed into an umbrella *religious social compact* within the same *religion*. — The embedding of *social compacts* within *social compacts* also presents the opportunity for extradition agreements and other possibilities for collaboration to satisfy the Genesis 9:6 *positive-duty clause*. According to the *metaconstitution*, such extradition and other collaboration already exist, but in a jurisdictionally dysfunctional condition.

If one assumes that every *social compact* that's embedded in this network of *social compacts* is like an independent nation, regardless of whether the *social compact* is *religious* or *secular*, then it's clear that these *social compacts* are bound together by treaties. According to the *metaconstitution*, these treaties do, in fact exist, but they are jurisdictionally dysfunctional. If all the *de facto secular* governments were *de jure secular social compacts*, and if all these *de jure* compacts were bound together by *de jure* treaties, then this network would be a confederation of *secular social compacts* that, by definition, all had the same subject-matter jurisdiction. Because the organic *u.S.* Constitution can be understood to be a treaty aimed at creating a "confederate republic", and because all these *secular social compacts* networked together by a single set of treaties are a confederation, it's crucial to understand how this *metaconstitutional* confederation operates.

According to the *metaconstitution*, treaties are simply contracts that exist between governmental compacts. In the case of both *religious* and *secular social compacts*, the primary jurisdictional constraints on treaties are the same as constraints on all contracts: Treaties cannot lawfully call for the perpetration of *delicts*. Also, because

they are contracts, they are based on the consent of those party to them. Under the *metaconstitution*, the parties are not mythological sovereigns posited by the statist *religion*. Instead, the parties in *de jure* treaties arise out of the unanimous consent of individual human beings, the same way all other contracts do. To whatever extent such consent is circumvented, the treaties are unlawful. Because the subject-matter jurisdiction of *religious social compacts* can be extremely broad, the subject matter of treaties between *religious social compacts* can be equally as broad. On the other hand, because the subject-matter jurisdiction of *secular social compacts* is extremely narrow, the subject matter of treaties entered by *secular social compacts* is limited to the same narrow subject matter. So treaties between *secular social compacts* and *religious social compacts* are constrained to being no broader than the subject matter of the *secular social compact*. Regardless of what the subject matter of any given *de jure* treaty may be, the terms of such treaty are essentially *de jure international law*, as long as *international law* is defined so that it is compatible with the biblical *metaconstitution*. Again, the standard legal definition is not compatible:

> *international law* — The law which regulates the intercourse of nations; the law of nations. The customary law which determines the rights and regulates the intercourse of independent nations in peace and war.[1]

Problems with this definition exist because the defining terms are inherently unreliable. The *de facto* definition of "nation" is unreliable. The same is true of the "law of nations" and the "customary law…". Because *de facto international law* is severely dysfunctional, virtually all *de facto international law* needs to be dumped.[2] The only really significant exception to this dumping is the organic *u.S.* Constitution. The *u.S.* Constitution is essentially a treaty designed to bind the States into a "confederate republic". If properly interpreted by way of the *metaconstitution*, this "confederate republic" can be understood to be a confederation of *secular social compacts*, and the organic Constitution can be understood to be a treaty that needs to be tweaked a bit to make it lawful. Like any *secular social compact* that presumably encompasses other compacts, the Constitution serves a dual purpose. (i)It is a stand-alone *secular social compact* to the extent that it has *original jurisdiction* over its geographical jurisdiction. (ii)It is simultaneously a treaty uniting encompassed compacts into a confederation to the extent that it does NOT have *original jurisdiction* over its geographical jurisdiction. When an encompassed *social compact* has *original jurisdiction*, there needs to be some kind of treaty between the encompassing compact and the encompassed compact

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1 **Black's 5th**, p. 733.

2 Chapter 10, "The Globally Prescribed Polity, Part II, 'International'", below, covers this subject in more detail.

whereby the encompassing compact is deferential in its exercise of jurisdiction. The encompassing compact needs to be deferential to the encompassed compact's exercise of jurisdiction.

If one assumes that treaties are always confined to a subject matter that is compatible with, and encompassed by, the subject-matter jurisdiction of the narrowest subject matter of the participating *social compacts*, treaties and *international law* are simple and straightforward. But of course *de facto international law* does not presently follow this simple guideline. The biggest problem with *de facto international law* is that it has been utterly statist for so long. It has a momentum towards global empire that is masked by a facade of beneficence. Because of this momentum, it's probably important, for the sake of dispelling the globalist delusion, to go through the following Q&A, as a preliminary to covering *international law* in greater detail in Chapter 10:

Question: If a *de jure secular* or *religious social compact* has *original jurisdiction* over all of its geographical jurisdiction, then what lawful jurisdictional claim does an encompassing *de jure secular social compact* have over that geographical jurisdiction?

Answer: In the same way that a *jural compact*'s exercise of jurisdiction over its geographical jurisdiction is limited by its subject-matter jurisdiction, a *secular social compact*'s exercise of jurisdiction over its geographical jurisdiction is limited by (i)its subject-matter jurisdiction and (ii)its contractual deference to the encompassed compact's *original jurisdiction*. Such deference requires that the encompassing *secular social compact* will have mostly an oversight function. (i)It will offer appellate courts and *judicial review* of encompassed court decisions. (ii)It will intervene within the encompassed compact's geographical jurisdiction only when the encompassed *social compact* requests it, or when there is evidence of Genesis 9:6 damage within the encompassed compact's territorial jurisdiction, where the damage is not being properly addressed by the encompassed *social compact*. (iii)It will offer a militia to which the encompassed compact can send a contingent, and it will offer the assistance of such militia if the encompassed compact suffers an attack from inimical military forces. So the encompassing *social compact*'s deference will allow the encompassed *social compact* to exercise its jurisdiction first, and the encompassing compact will intervene only when their treaty allows such intervention. In passing, it's important to note that for reasons indicated below, it's inherently imprudent for a *religious social compact* to encompass a

secular social compact.[1]

Question: What lawful powers to tax and take does an encompassing *secular social compact* have relative to the *in personam* jurisdiction of an encompassed *religious* or *secular social compact*?

Answer: The voluntary nature of taxing and taking do not change in a *secular social compact* simply because it happens to encompass one or more *religious* or *secular social compacts*. It may be a duty for a *secular social compact* to keep people within its immediate, *original* geographical_jurisdiction informed about its financial needs, but this doesn't necessarily mean that it should cross borders into an encompassed jurisdiction to transmit similar messages. The treaties that bind various *social compacts* into a confederation should probably spell out whether an encompassing *secular social compact* would communicate directly to people within an encompassed compact, or instead go through office holders within the encompassed compact to achieve similar communication.

Question: Article I § 8 clause 17 of the *u.S.* Constitution allows for the federal government to own land within the States. Under the *metaconstitution*, is this allowable?

Answer: Article I § 8 clause 17 makes it clear that the general government can own land within a State only under certain circumstances. If a State legislature approves a sale of land within its borders to the general government, Congress approves of the purchase and allocates the funds for it, and the purpose of the *conveyance* is within strict subject-matter guidelines (the purpose being almost entirely for military defense and appellate judicial processes), then the original Constitution approved of such ownership of such land by the general government. Something very similar to this arrangement is allowable under the *metaconstitution*.

If an encompassing *secular social compact* offers proof that it needs a parcel of land within an encompassed *social compact*'s geographical jurisdiction in order to satisfy the encompassing *social compact*'s extremely limited purposes, and if the encompassed *religious* or *secular social compact* acknowledges the validity of the encompassing compact's claim, and does so through unanimous

1 One reason is based on the structure of the biblical covenants. The *secular social compact* is essentially based on the global prescription of human law that appears in the Noachian covenant. Subsequent biblical covenants contain local prescriptions of human law. They thereby provide a model for *religious social compacts*. So *religious social compacts* are certainly called to have *jural* and *ecclesiastical* sub-compacts. But for them to encompass *secular social compacts* is for them to turn the structure and priorities of the biblical covenants upside down, a great jurisdictional hazard.

consent, then it's reasonable for the *conveyance* to go forward. However, because neither the encompassing compact nor the encompassed compact has *dominion* over the land within the encompassed geographical jurisdiction, *condemnation* through *eminent domain* is not an option, while it is an option under a strict reading of the organic document. This means that if the land at issue is privately owned by someone within the encompassed jurisdiction, cession of the land could only be accomplished through a genuinely voluntary sale / *conveyance* / contract.

Question: It appears that in the *metaconstitution's* confederation of *social compacts*, encompassing compacts must necessarily be *secular*. Is this a correct assumption?

Answer: No, but it's close. The distinction between *secular* and *religious social compacts* is this: *Secular social compacts* exist strictly to enforce laws against Genesis 9:6 damage. By definition, their subject-matter jurisdiction is limited to Genesis 9:6 damage and only to Genesis 9:6 damage. It is possible for *secular social compacts* to exist because there is universal, pre-cognitive, tacit consent to abide by the Genesis 9:6 *positive* and *negative* clauses. However, there is no universal consent regarding any other subject matter in human law. This means that all other *religious* / *municipal* and contractual purposes and functions must be satisfied by some mechanism other than through the *secular social compact*.

This line of reasoning relates to the *metaconstitutional* confederacy like this: It is inherently dangerous for *religious social compacts* to encompass *secular social compacts* within their jurisdictions. This is because such a situation is inherently prone to jurisdictional dysfunction. *Religious social compacts* can be set up in whatever way the parties want, the only limitation being that they cannot build the perpetration of *delicts* into their compacts. Genesis 9:6 calls such participants to build *jural compacts* and *ecclesiastical compacts* into the *religious social compact*, but no one is mandated to enforce this calling on *religious social compacts*, except through the individual party's conscience. So whether any given *religious social compact* has lawful *jural* and *ecclesiastical* compacts is largely a crapshoot. In order for such lawful *jural* and *ecclesiastical* compacts to be lawful in their encompassment of a lawful *secular social compact*, these two sub-compacts would need to function together as though they were a *secular social compact*. Given the world's current state of jurisprudential ignorance, it's extremely unlikely that such a lawful treaty would ever arise

and remain lawful over an extended period of time. Given that *religious social compacts* are by definition committed to enforcing *delict*-free *mala in se*,[1] the propensity to jurisdictional dysfunction under such circumstances is huge. It's therefore inherently a bad idea for *religious social compacts* to ever attempt to encompass a *secular social compact*.

On the other hand, it's inherently lawful for a *secular social compact* to encompass a *religious social compact*, because a lawful *religious social compact* shares the proscription of Genesis 9:6 damage with the *secular social compact*. However, the lawful *religious* and *secular social compacts* do NOT share common definitions of *malum in se*. It's therefore critical for the encompassing *secular social compact* to avoid claiming that the *religious social compact*'s law against a *delict*-free *malum in se* is unlawful. A *religious social compact*'s enforcement of its law against a *delict*-free *malum in se* is only unlawful if the party being prosecuted did not give prior consent to abide by the law against the *delict*-free *malum in se*. If there were such a question about the party's prior consent, then that would be a valid issue for *judicial review* by the encompassing *secular social compact*. Otherwise, the *secular social compact* needs to avoid interfering in the *religious social compact*'s private affairs.

In order for a *religious social compact* to get *judicial review* of its opinions in cases involving *delict*-free *mala in se*, it's crucial for the *religious social compact* to affiliate itself into an umbrella *religious social compact* within the same *religion*. So within the *metaconstitution's* confederation of *social compacts*, it's possible and lawful for a *religious social compact* to encompass another *religious social compact* within the same *religion*. It's outside viable jurisprudence for a *religious social compact* to encompass another *social compact* that's outside its *religion*.[2]

Question: If *religious* / *municipal* laws have no place within the bounds of the subject-matter jurisdiction of a *secular social compact*, then it appears that they have very little place within this *metaconstitution's* confederacy. If this is the case, then how do the *municipal purposes* and *functions* get satisfied?

Answer: As indicated above, *religion* is defined broadly enough to encompass the idols of publicly traded corporations. It should be obvious from this fact that *religion* is also defined broadly enough to encompass the idols of *municipal*

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1 Which are by definition *mala prohibita* to people who don't believe the activity is evil in itself.

2 The *jural* and *ecclesiastical* compacts can certainly be encompassed, because they should be encompassed within every *religion*. But these sub-compacts are not *social compacts*.

corporations. Under the *de facto* system, *municipal* corporations are generally satisfying *municipal purposes* and *functions*. Also, some *municipal* corporations hire private, often publicly-traded (and highly regulated) corporations as sub-contractors to fulfill some or all of the municipality's *purposes* and *functions*. Under the *metaconstitution*, municipalities are *secular social compacts*. So *de jure* municipalities do not have subject-matter jurisdiction over either the pursuit or the satiation of *de facto municipal purposes* and *functions*. Somehow, *municipal purposes* and *functions* must be satisfied by way of *religious social compacts* or by way of some other kind of contract. This means that these purposes and functions must somehow be migrated from the *de facto* subject-matter jurisdictions of extant municipal corporations into the *de jure* subject-matter jurisdictions of some other kind of contract. Under these circumstances, it is not true that there is no place in the *metaconstitution's* confederacy for the satisfaction of *municipal purposes* and *functions*.[1]

Question: Does the requirement that an encompassing *secular social compact* defer to the jurisdiction of an encompassed *social compact*, limit the encompassing compact's execution of *police powers* within the encompassed compact?

Answer: By definition, within the *metaconstitution*, *police powers* can be lawfully executed only as a function of *de jure* legal actions. The existence of *police powers* under any other circumstances is inherently the perpetration of *delicts* under *color of law*, which should be treated as an even more heinous crime than perpetration of *delicts* outside *color of law*.[2] *De jure* legal actions are always reactions to alleged Genesis 9:6 damage, either *ex delicto* or *ex contractu*.

The requirement that an encompassing *secular social compact* defer to the jurisdiction of an encompassed compact does indeed limit the encompassing compact's execution of *police powers* within the encompassed compact, but it does not stop such execution entirely.

If an encompassing *secular social compact* becomes aware of the alleged perpetration of a *public delict* within one of its encompassed compacts, then it should immediately contact the *jural society* of the encompassed compact. If the encompassed compact indicates that it cannot or will not take legal action against the alleged *delict*, then the encompassing compact should take legal action. But if the encompassed compact indicates that it can and will

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1 See the next subsection, "*The Great Expatriation*".

2 This is because *color of law delicts* convert the *social compact* into a criminal organization, and therefore destroy the social fabric more grievously than an ordinary *delict*.

take legal action, then the encompassing compact should exercise restraint and deference to the encompassed *social compact*, because the encompassed compact has *original* jurisdiction.

Regarding an encompassing compact's execution of *police powers* when it becomes aware of a *private delict* or a contractual breach within one of its encompassed compacts, the police within the encompassing compact should defer entirely, and wait for a pertinent *order* from the encompassing compact's court of appeals.

Question: If a *denizen* exists within an encompassed *religious* or *secular social compact*, what kind of jurisdiction would the encompassing *secular social compact* have over the *denizen*?

Answer: *Denizens* can exist within *de jure secular social compacts* because *denizenship* status is a necessary alternative to political participation in a *secular social compact*. It's necessary because political participation is a function of cognitive consent, not pre-cognitive consent. However, there is no requirement that a *religious social compact* recognize *denizenship* status within its geographical jurisdiction. This is because, unlike a *secular social compact*, a *religious social compact* could have the combined jurisdictions of the global covenant and a *land covenant* simultaneously in effect within its geographical jurisdiction. This would mean that the *denizen* within that territory would be guilty of *trespass*, unless the *denizen* was there as an invited guest of the *religious social compact*.

If a *denizen* exists within an encompassed *secular social compact*, the encompassing *secular social compact*'s jurisdiction over the *denizen* can exist only *ex delicto* or *ex contractu*. However, by becoming a *denizen*, the *denizen* has put the encompassed *secular social compact* on notice that the *denizen* considers the encompassed *secular social compact* to be unlawful, and not *de jure*. Under such circumstances, the encompassing *secular social compact*'s appellate court should be more open than usual to issue an *extraordinary writ*, requested by the *denizen* for the purpose of controlling the behavior of the encompassed compact.[1]

Question: One of the biggest presumptions presently existing in *de facto* American law is that the capitalist system, which many people equate with a free market, must be "regulated" by regulatory and administrative bureaucracies. Is this

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1 *extraordinary remedies* (*extraordinary writs*) — "The writs of *mandamus*, *quo warranto*, *habeas corpus*, and some others are often classified or termed 'extraordinary remedies,' in contradistinction to the ordinary remedy by action." (**Black's 5th**, pp. 527, 528)

presumption true under this *metaconstitution*? If so, why? If not, why not?

Answer: Concrete proof has never been provided by any of the proponents of governmental market regulation to establish beyond any reasonable doubt that government-run agencies are capable of doing a better job of bringing justice and equity to an otherwise free market than regulatory processes that are built into the free market. The laws of supply and demand are inherently regulatory. So are the capacities to contract and boycott. These and related mechanisms are built by nature into the free market. The belief that government must regulate the market is inherently a belief that the laws of supply and demand are inadequate regulatory mechanisms. If a free market is defined as a market based on the absence of pervasive *delicts*, it becomes obvious that a genuinely free market has never existed anywhere on any significant scale. This is because jurisdictional dysfunction has been the norm throughout human history. So genuine test of whether the laws of supply and demand are adequate regulatory mechanisms has never been run.

In contrast to this claim, some people claim that America once had a *laissez-faire* economy, a free-market system. These people claim that regulatory agencies were needed because the free-market system was running amuck. These beliefs manifest a statist bias that plays loose with the facts. The facts show that neither the general government nor any of the States ever had a genuinely free market.

Article I § 8 clause 7 of the *u.S.* Constitution gives Congress the power, "To establish Post Offices and post roads". Postal service is a lawful function of a free market. If the organic Constitution and Congress did not conspire to create a postal monopoly backed by the force and the sanction of *secular* government, then the postal function could have been performed contractually through a free-market entity. The Post Office was the first of the general government's "administrative agencies". As an administrative agency, the Post Office operated like a corporation, the parameters of whose existence was defined by statute. One problem with all administrative agencies is that they violate the separation of powers doctrine. The same way corporations implement by-laws to define the rules by which they function, administrative agencies define rules, also known as "administrative law", to define how they function. This rule-definition process is inherently legislative. Like all corporations, administrative agencies also have executive functions and judicial functions, in violation of the separation of powers doctrine. But the separation of powers doctrine, though truly violated, doesn't describe the root problem with such administrative agencies. The root problem is that

their rules are backed by the monopoly power of the state, thereby pervasively perpetrating *delicts*.

The Post Office is just one among a multitude of such free-market defying agencies that have existed at the State and general levels. At about the same time the Post Office was created, the general government created the central bank, which some people might consider to be an administrative agency. Although there were certainly efforts at creating "post Roads", and at promoting "the Progress of Science and useful Arts", general government's bureaucracy-creation process, relatively speaking, went into hiatus until the War Between the States. During and after that war, the general government went into granting what were essentially *patents* and *enfeoffments* on a grand scale, mostly via huge tracts of land and subsidies to railroad barons. As a result of this massive collusion between *de facto* government and these nominal agents of *laissez-faire* capitalism, these monopoly capitalists stopped seeking to satisfy the demands of their customers and instead spent their time and energy bribing politicians. Railroad shipping rates became egregiously high, and railroad customers complained. As a result, in 1887, Congress passed the Interstate Commerce Act, which spawned an administrative agency that again violated the separation of powers doctrine.[1] The real problem with violating the separation of powers doctrine is that checks and balances tend to evaporate. So when any branch of government delegates its powers to an administrative agency, the agency is always jurisdictionally dysfunctional. But as already indicated, the core problem with administrative agencies is not the loss of checks and balances through violation of the separation of powers doctrine. The real problem is the pervasive perpetration of *delicts* through statism.

During the 1930s, the *u.S.* supreme court wrote three anti-New Deal opinions based on the premise that "Congress had improperly provided for delegation of legislative powers".[2] However, these opinions were later overturned, and the "administrative branch" of the general government has

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1 It's generally understood in American constitutional law that "no totally pure system of separation of powers can exist". This is because, "Every branch of government of necessity exercises rule-making, enforcement, and adjudicative powers." Even so, separation of powers is a necessary prerequisite to "checks and balances", and checks and balances tend to evaporate when powers are delegated. — Quotes are of Kurland, Philip B., "*Delegation of Powers*", **Oxford Companion**, p. 224.

2 Kurland, Philip B., "*Delegation of Powers*", **Oxford Companion**, p. 224. — The opinions are *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935); *Schechter Poultry Corp. v.*

subsequently grown into a monstrosity. As an adjunct to this administrative branch, the *de facto* courts have created an arbitrary dichotomy between the violation of administrative law and the violation of criminal law. So crimes and torts are still adjudicated in the judicial branch, but administrative law is adjudicated in administrative courts. Because States have always operated under the pretense that they are imbued with the full scope of *police powers*, they have developed their own administrative branches that are also serious threats of unimpeded tyranny.

This situation gives huge latitude to bureaucracies to do whatever they want. When rule by bureaucrats at the level of the general government is combined with rule by bureaucracy at the State and local levels, the Bill of Rights becomes completely irrelevant. Likewise, natural rights become completely irrelevant. When natural rights become irrelevant to a government, that government is inherently criminal.

This brief history shows why government regulation of the economy is a giant mistake. The proposition that the free market must be regulated by the government, which is inherently the act of destroying the free market by perpetrating *delicts* under *color of law*, is not true under the *metaconstitution*, for the reasons just given. The presumption that the free market must be regulated is not based on fact, and it also violates Bible-based rationality. The *metaconstitution* therefore holds that all administrative agencies presently operating under the secular governments are inherently unlawful.

Question: How does the *metaconstitution's* conception of *international law* govern human travel and commerce across borders, (i)between a *de jure religious social compact* and an encompassing *de jure secular social compact*; and (ii)between a *de jure secular social compact* and another *de jure secular social compact*?[1]

Answer: As indicated above, the *metaconstitution* holds that the *united States*, when properly understood, is a confederation of *secular social compacts*. It also holds that within each *secular social compact* there can be multiple *religious social compacts*. Under present circumstances, all these compacts are jurisdictionally dysfunctional. If these compacts were *de jure*, then the confederation would

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United States, 295 U.S. 495 (1935); and *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936). — URL: http://supreme.justia.com.

1 The issue of such travel and commerce across borders between jurisdictionally dysfunctional foreign nation and the confederation's *de jure* umbrella *secular social compact* will be covered in Chapter 10, "The Globally Prescribed Polity, Part II, 'International'".

be held together by *de jure international law*.[1]

(i) A *de jure religious social compact* can have almost any attitude towards its geographical borders that its parties may unanimously choose. It can refuse to allow any kind of commerce or travel across its borders. If this were the case, then the people in a lawful encompassing *secular social compact* would be obligated to accept the impenetrability of the border, based on the fact that to do otherwise would be to allow *trespass*.[2] — This posture by the *religious social compact* is obviously not very practical. It's more likely that the *religious social compact* would allow commerce and travel across its borders constrained only by its perceived needs. — If the *religious social compact* were *de jure*, meaning that it entered into a minimal treaty with the encompassing *de jure secular social compact*, where the treaty indicated that the people in both compacts recognized and agreed to abide by the legal principles that arise out of the global prescription of human law, then the *secular social compact* would allow free flow of traffic to and from the *religious social compact*, and would not interfere with it as a general rule. Under such circumstances, the encompassing *secular social compact* would be deferential to the *religious social compact*'s exercise of its jurisdiction, and would intervene in it only as stipulated above. If the *religious social compact* made no commitment to abide by the principles of global human law, then the encompassing *secular social compact* would treat the *religious social compact* like any other contract, and would exercise *original jurisdiction* over the *religious social compact*'s geographical jurisdiction, thereby going into and out of its geographical jurisdiction as the law-enforcement needs of the *secular social compact* required.

(ii) Within the *de jure* confederation, there will certainly be a need for travel and commerce across borders between *de jure secular social compacts*. Under the *de facto* system, people and commerce have moved for many decades across borders between States, across borders separating States from the District of Columbia, between counties, and across city limits. According to the *metaconstitution*, these are all borders between *secular*

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1 Assuming that "nation" has a radically different definition from the definition of nation-state provided by the Westphalian system, meaning a definition compatible with this natural-rights polity.

2 Of course, the encompassing *secular social compact* would still lawfully exercise *appellate* jurisdiction, with the accompanying *police powers* of *appellate* jurisdictions, as described above.

social compacts. As such there is no reason to erect any kind of barriers to travel and commerce across such borders. Since the administrative branch has grown gargantuan, massive barriers to commerce have been erected and prosecuted through administrative laws. To a huge extent, these regulatory agencies are based on a gross misinterpretation of the Commerce Clause (Article I § 8 clause 3) of the *u.S.* Constitution. They all need to be eliminated, and all barriers to interstate commerce need to be eliminated.

Question: How are jurisdictionally dysfunctional corporations to be converted into lawful perpetual contracts, and how do such contracts fit into this *de jure* confederation?

Answer: In some respects the current mass of corporations deserve to be treated as jurisdictionally dysfunctional *religious social compacts*. This is so because the built-in presumption in this labeling is that whatever purposes or functions the corporation is designed to satisfy are essentially idols. The corporation is therefore designed to worship that set of idols. To whatever extent a *secular* corporation is a paragon of righteousness, this would be a slur and would be undeserved. But given that corporations in America are under huge external pressure from externally imposed *de facto* laws, where this external pressure tends to mold corporations into a cornucopia of perversions, the slur generally fits. Nevertheless it's true that there may be exceptions. The point in labeling *secular* corporations jurisdictionally dysfunctional *religious social compacts* is to emphasize that under the *de facto* system, *secular* corporations are designed to have a perpetual existence; they are inherently contractual; and they therefore need to have *jural* and *ecclesiastical* sub-compacts. They have these characteristics in common with more fully developed *religious social compacts*. But *secular* corporations have the absence of *jural* and *ecclesiastical* sub-compacts in common with IRC § 501 corporations, most notably "churches". *Secular* corporations therefore share both these requirements and these deficiencies with more fully developed, gestating *religious social compacts*. The absence of these sub-compacts does not imply that *secular* corporations have no right to exist. Like jurisdictionally dysfunctional *religious social compacts*, no one on the outside has a license to force the *secular* corporation to form such sub-compacts. So there is no externally imposable formula for converting a *secular* corporation into a lawful perpetual contract, just as there is no externally imposable formula for converting a church, a mosque, a synagogue, an ashram, *etc.*, into a lawful *religious social compact*. *Religious social compacts* can form these sub-compacts only through the unanimous consent of the parties, and

the same is true of *secular* corporations.

If a *secular* corporation established genuine *jural* and *ecclesiastical* sub-compacts, then the *jural* sub-compact would be inherently obligated to drive all internal fraud and other *delictual* behavior out of the corporation's internal culture. This would inherently change the nature of the corporation. It would from the time of the sub-compacts' establishment forward, need to pursue its purposes and functions lawfully, or to be subjected to the wrath of these lawful sub-compacts. If the people party to one of these *secular*, private, perpetual contracts persist in refusing to have a genuine internal *jural* sub-compact, then to whatever extent this contract is a conspiracy to commit *delicts*, it is vulnerable to prosecution by an external *jural society*. This means that the parties to the private contract are vulnerable, and the private contract itself is vulnerable to being dismantled.

If the confederation were *de jure*, and if the *secular* corporation turned into a lawful perpetual contract, then this corporation would fit into the *de jure* confederation something like this: Under the *metaconstitution*, corporations are essentially private contracts that exist within an encompassing *social compact*. The same way corporations within the *de facto* system are generally based within States, a corporation in the *de jure* confederation needs to be based in some encompassing *social compact*. Under the *de facto* system, corporations are generally required to register their existence with the Secretary of State or some comparable office within a given State. *De facto* corporations are required to get a license to operate. In the *de jure* system, no *secular social compact* should require such a license to operate or such registration, although a *religious social compact* certainly might require them. Corporations are *private* contracts, and parties thereto are subject to global human law just like anybody else.

Regarding the fact that corporations are *private* contracts that are subject to global human law, it's important to note that in a *de jure* legal system, there is no such thing as a "corporate veil". There is also no such thing as "limited liability". Whoever perpetrates a *delict* is responsible for the *delict*, regardless of whether the perpetration occurred under the auspices of one of these *private* contracts or not. Contrary to *de facto* law, a corporation, like any other kind of *private* contract, is not a "person". It's not even an artificial person. It is, in fact, a contract based on the agreement of natural persons, and aimed at the satisfaction of some specified set of purposes and functions. The *de facto* existence of "limited liability" is essentially a statutory convention dictating to courts how the courts should interpret contracts in legal actions

ex contractu. There should be no such statutory conventions, and the terms of the given contract should control its interpretation. Where damage occurs outside the jurisdiction of the given contract, it is clearly *delictual*, and a legal action *ex delicto* should control.

Question: How are *municipal purposes* and *functions* to be satisfied within this *de jure* confederation?

Answer: Within a *de jure religious social compact*, the people can pursue satisfaction of their *municipal purposes* and *functions* in whatever way they agree through unanimous consent to do so, as long as the perpetration of *delicts* is avoided. Within a *secular social compact*, the satisfaction of *municipal purposes* and *functions* can only be pursued through free-market processes. This means that people can either satisfy those purposes and functions through their own private devices on their own private property, or people can enter into contracts with one another to satisfy those purposes and functions, where the contracts are private within the given *social compact*.

(6) The Great Expatriation:

As already indicated, the road to jurisdictional sanity requires a Great Expatriation of *religious / municipal* purposes, functions, and laws away from the purview of the present jurisdictionally dysfunctional *secular social compacts*, and towards free-market procedures for satisfying those purposes and functions. Why this migration is necessary should be obvious by now. How it is to be accomplished may still demand clarification.

Because the subject-matter jurisdiction of lawful *secular social compacts* is limited to Genesis 9:6 damage, all purposes, functions, and laws of the existing *secular* governments, that are outside this subject matter, must either be migrated out of the jurisdiction of each of these *secular* governments to some other jurisdiction, or extinguished entirely. As indicated above, this exposition has placed all of these purposes, functions, and laws that need migration or elimination into the singular category of *religious / municipal* laws. This category has been called "*religious / municipal*" to emphasize two things: (i)that *religious* is being defined broadly enough to encompass *municipal purposes* and *functions*; and (ii)that historically recognized *municipal functions*, *purposes*, and laws fall naturally into a common category with what this exposition is calling *delict*-free *mala in se*.[1] The current *de facto secular* governments impose countless *positive* and *negative* laws outside of genuine contracts, in violation of consent, and in violation of reliable jurisdictions. Such *de facto* laws

1 The latter are what many political libertarians call "victimless crimes".

include any activity mandated by the *secular* government, where such government penalizes the refusal or neglect to perform the mandated act. Such *de facto* laws also include any activity prohibited by the *secular* government, where such government penalizes the doing of the prohibited act. Under this exposition's definition of *religion*, all *positive* and *negative* laws that are within the historic purview of any given religion, with the exception of laws that pertain to Genesis 9:6 damage, are *religious* laws. Because they are *religious*, they are outside the lawful purview of the *de jure secular social compact*. — As indicated, *municipal laws* are a type of *religious* law. So are all kinds of administrative laws that are by definition intended to regulate the economy or replace free-market enterprises with government-run enterprises. *Municipal* and administrative laws are inherently *religious*, because they are outside the scope of Genesis 9:6 damage.

In order for these *religious* laws to be evacuated from the *secular* jurisdictions, they need to have somewhere else to go. In the case of *delict*-free *mala in se*, every Bible believing *religious social compact* will naturally implement unanimously consensual laws against prostitution, substance abuse, gambling, and all the other notorious vices that currently feed the flourishing black market. This process of vacating the *secular* jurisdictions will clearly make *delict*-free *mala in se* legal within those *secular* jurisdictions.[1] *Religious social compacts* that aspire to being *de jure* will also implement laws pertaining to keeping Sabbath, worship, holidays, education, child-rearing, and numerous other things that are perfectly lawful within the *religious* jurisdiction and perfectly unlawful within the *secular* jurisdiction.[2] In some *religious social compacts*, such *positive law* will certainly include offering welfare, soup kitchens, thrift stores, help for the homeless, nursing homes, hospices, and numerous other charitable ministries to people who are not necessarily party to the *religious social compact*. This way all the "entitlement programs" that are currently being performed by way of extortionate tax monies can be performed voluntarily and lawfully. This is essentially a reversal of the decades-long usurpation of Church functions by *secular* governments, and this is the core of this Great Expatriation. It is emphatically NOT the "faith-based initiative" redux. That initiative was further usurpation and co-

1 This clearly poses a serious question to all Bible-believing Christians, specifically, whether it's right to impose biblical standards of morality without regard to jurisdictional considerations.

2 *Negative* laws prohibiting *delict*-free *mala in se* are unlawful and not *de jure* under the immediate jurisdiction of a *secular social compact*, but lawful and *de jure* under a *religious social compact*, by definition of *secular* and *religious*. *Positive* laws mandating *religious* activities are also unlawful and not *de jure* under the immediate jurisdiction of a *secular social compact*, but lawful and *de jure* under a *religious social compact*, by definition of *secular* and *religious*.

optation of the Church by delusional statists, regardless of whatever good intentions they may have proclaimed.

Regarding *municipal purposes* and *functions*, like park maintenance, water supplies, sewage treatment, and other things that are generally done by municipalities, there is no reason to assume that municipalities must do them. — Although the core of the Great Expatriation is necessarily a reversal of the *de facto secular* commandeering of purposes and functions that are rightly within the jurisdictional ambit of Christian *religious social compacts*, the most obstinate obstacle to this migration is historical *municipal laws*. This is because these are purposes and functions that have historically been within the ambit of local governments, and they have almost always been treated as *secular*. Nevertheless, there is NO GOOD REASON for these purposes and functions to remain within the ambit of *secular* governments, and there are ample reasons for them not to remain within the ambit of *secular* governments.

The standard list of *municipal purposes* and *functions* are usually monopolies that are run by local governments: water treatment, sewage treatment, storm drainage, garbage disposal, street construction and maintenance, park construction and maintenance, *etc.* These are usually run directly by municipal and county governments, sometimes with grants and subsidies from the State and federal governments.[1] There are other *municipal purposes* and *functions* that are not as traditional but are nevertheless common in modern America, such as electricity, gas, cable television, public education, public hospitals, and sports stadiums. Usually some of these local monopolies are sub-contracted by the local government, but some are not. Those in which the local government does not hire a subcontractor are usually implemented immediately by the local government. — With the exception of functions that are sub-contracted, the local tax payers own the entities that perform these purposes and functions. Bureaucrats and technocrats may control them, but the tax payers in fact own them. Regarding purposes and functions that the *secular* government sub-contracts, the tax payers pay for those purposes and functions, and the tax payers own those contracts.

After all these introductory remarks, it's now possible to summarize the scope of this Great Expatriation by saying the following things:

(i) All *negative* laws against *delict*-free *mala in se* that are presently on the books of *secular* governments need to be repealed, and at the same time, people need to establish *de jure religious social compacts* so that

1 These grants and subsidies are always conditional. These days the conditions usually demand that the local government cooperate with some United Nations, globalist, corporate-fascist, or other jurisdictionally dysfunctional agenda.

these *delict*-free *mala in se* are illegal within the *religious social compact*'s geographical jurisdiction, as any given *religious social compact* sees fit to make them so.

(ii) All *positive* laws that are outside the subject matter of Genesis 9:6 damage, and that are presently on the books of *secular* governments, need to be repealed, and at the same time, people need to establish *de jure religious social compacts* so that these positive acts are performed within the *religious social compact*'s geographical jurisdiction, as any given *religious social compact* sees fit to make them so.

(iii) Included within the ambit of the *negative* and *positive* laws that need to be repealed are all administrative laws that were implemented to regulate the free market. As long as *delicts* are properly prosecuted and contracts are properly enforced, the free market regulates itself, and it doesn't need any other help from *secular* government. So these laws need to be repealed immediately. Laws that have been implemented specifically for the purpose of regulating the otherwise free market are laws that can be repealed without any serious repercussions, because the free market is self-regulating. All such laws within all such *secular* governments should be repealed immediately, regardless of what level of the confederacy the *secular* government may occupy. All government employees of such regulatory agencies should be fired immediately, and such ex-employees should be very grateful if they leave their employment without being prosecuted.

(iv) Privatization is merely the process of selling government assets to monopoly capitalists on the cheap, and it is insidious and disastrous. The collapse of the Soviet Union during the 1990s is a perfect example of such privatization run amuck. Crony capitalists infiltrated the process like feasting rats, and the society in general suffered as a result. Unlike Russia's disastrous example of privatization, the true owners, meaning the tax payers, must remain in control of their assets. Under present circumstances, the tax payers are generally NOT in control of these assets. Under privatization, as it's been practiced in recent years, the owners / tax payers lose not only control, but also all legal claim to ownership, without being properly compensated. In other words, they get robbed.

(v) Merely repealing *municipal laws* that have been promulgated specifically and strictly for the sake of regulating the free market may work fine. These are laws that converted the free market into the un-free market,

and they need to be eliminated. On the other hand, in regard to government-run and government-subcontracted monopolies upon which people depend on a day-to-day basis, mere repealing could be disastrous. Especially regarding *municipal laws* that involve significant assets, like water treatment facilities, storm sewage facilities, parks, sewage treatment plants, and others, merely repealing the laws that are crucial to the funding of these things could be as disastrous as privatization. For such purposes, functions, laws, and enterprises, some other method of migration is necessary.

(vi) Regarding these significant municipal assets upon which people daily depend, an approach to returning the control of these assets to the people who genuinely own them is crucial. The *de facto* governments have already unlawfully squandered some assets.[1] All unlawfully held assets, including those that have been unlawfully squandered by the *de facto* governments, need to be returned to the proper owners. Only when such assets are under the active, consensual control of the tax payers should anyone entertain any other disposition of them.

The only aspect of this Great Expatriation that has not yet been sufficiently addressed is the problem of migrating assets that are unlawfully held out of the control of *de facto* governments and other corporations, into the control of the rightful owners. The remainder of this subsection focuses on this problem.

In order to approach this problem holistically, it should be possible to get a list of assets of *de facto secular* governments. Because these governments have grown so gargantuan, such a list for practically any one of these *secular* governments will probably be huge. If such a list is comprehensive, then it is more detailed than this exposition needs to be to prove its point. For the purposes of this exposition, a short sampling list should suffice:

(i) parks: all national parks, State parks, regional parks, county parks, city parks, national forests, State forests, national seashores, national rivers, national monuments, …;

(ii) roads: all national interstate highways, State highways, county roads, city streets, …;

(iii) lands: all non-park lands, waters, waterways, watersheds, mountains, *etc.*, that *de facto* governments are unlawfully claiming;

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1 For example, the general government has signed over national parks as collateral on the national debt, making the United Nations and other globalists and criminals the *de facto* owners.

(iv) water: all publicly owned water purification plants, water towers, sewage treatment plants, storm sewage systems, dikes, canals, dams, …;

(v) education: all public schools, State colleges and universities, community colleges, other colleges and universities that are in any way subsidized by *secular* governments, …;

(vi) science: all laboratories, aircraft, NASA rocketry and spacecraft, satellites, publications, laboratory equipment, *etc.*, that are owned or funded in whole or in part by any *secular* government;

(vii) postal service: the United States Postal Service and any other postal monopoly owned and operated by a *secular* government;

(viii) healthcare: all hospitals, health insurance, clinics, medical laboratories and equipment, *etc.*, owned by *secular* governments;

(ix) liquor: all liquor stores owned by municipalities;

(x) airports: all airports owned by *secular* governments, including military airports whose use in defense of the *de jure* confederation is dubious;

(xi) arsenals and munitions: all arsenals and munitions claimed by the *secular* governments, including those claimed by militarized police forces at every level of the confederacy; and

(xii) numerous other assets unlawfully held by *secular* governments.

By adhering to the principles clearly implicit in the biblical prescription of global human law, as expounded above, it should be possible to develop an algorithm for migrating these assets from the unlawful, *de facto* jurisdictions of *secular* governments into lawful, *de jure* jurisdictions of other entities. This exposition will not attempt to expound a fully developed version of this algorithm. It will instead attempt to expound the prerequisites for developing an initial draft of this algorithm.

The most important factor in the migration of these assets out of lawless hands into lawful hands is to make sure the lawful owners acquire and retain proper control of their assets, and to make sure that if the lawful owners relinquish control, they do so only through express and fully-informed consent, with proper compensation, and without influence from the Federal Reserve, the mafia, or other organized criminals including all monopoly capitalists and statists of every other kind.

It's critical to always bear in mind that the owners of all these assets are the tax payers within the given *secular* jurisdiction. Bureaucrats and politicians have generally ceased being answerable to the true owners. They have usurped control of these assets, and they are now generally accountable to organized criminals, including compartmentalized bankers, lawyers, and corporate officers. Organized criminals influence the bureaucrats and politicians through collusion, often relying

on bad laws and wearing authoritarian masks. People who are genuinely committed to migrating control of these assets back into the hands of the rightful owners need to be simultaneously committed to these things:

(i) to identifying and repudiating the bad laws;

(ii) to identifying and exposing the criminals wearing the authoritarian masks;

(iii) to identifying and exposing the bureaucrats and politicians who are involved in collusion; and

(iv) to getting the true owners involved in taking control of their assets.

Getting the owners to act like owners instead of like serfs may be the most difficult part of this problem.

To see how this migration process might go, suppose a *secular* municipality is the *de facto* owner of the following water-related system:

(i) three water towers;

(ii) a water purification plant;

(iii) a system of water pipes for delivery of tap water to the homes and businesses within the municipality's geographical jurisdiction;

(iv) a source of water going into the purification plant;

(v) a system of pipes for carrying sewage (white, gray, black, whatever) from homes and businesses to a sewage treatment plant; and

(vi) a system of pipes for carrying clean water from the sewage treatment plant to the local river.

There may be many ways that a water system like this could be improved.[1] But compared to many municipal water systems around the world, American municipal water systems are fairly reliable, and they are generally valuable assets. Many people may be satisfied with the status quo on this front, and they may not want to migrate an asset like this water system out of the hands of the *secular* municipality. But the only way this asset can lawfully stay in the municipality's possession is for the *secular* municipality to turn into a lawful *religious social compact*. To go through this kind of metamorphosis, there must be unanimous consent about the disposition of all the municipality's *religious* assets, and there must be unanimous agreement

1 For example, water fluoridation is essentially the imposition of a medical treatment on an entire population without each individual's specific consent. This fact, by itself, proves that "public water fluoridation" is wrong, without even questioning its efficacy as a dental treatment, its side effects, or its use by Bolsheviks and Nazis to keep incarcerated populations dumb and docile.

among the people who abide within the geographical jurisdiction to go through the metamorphosis. If unanimous consent can be achieved, then the *de facto secular* municipality is transformed into a *religious social compact*. If unanimous consent cannot be achieved, then this remains a *secular* municipality. As such, all unlawful assets must somehow be divested from the *secular* government. Such assets must be put under the control of the true owners, the tax payers within the municipality.

It's reasonable for every tax payer within a municipality to receive notice that he/she must take control of his/her assets by some reasonable date of divestiture. This requires that people committed to the migration do all the preliminary study so that they know what the assets are worth when measured in terms of some reliable commodity currency; they know who the owners of the assets are; and they obtain proof that the owners abide within the geographical jurisdiction. For the sake of escaping jurisdictional dysfunction, it's an important requirement that the owners be actual and true citizens or *denizens* within the geographical jurisdiction. It's important that the assets be divvied up proportionally among the citizens / *denizens*, so that each citizen / *denizen* is publicly acknowledged as having shares in the assets that befit his/her tax contributions. Based on how much a citizen / *denizen* has paid in municipal taxes, it's reasonable for such an owner to receive shares in whatever perpetual private contracts are formed by divvying up the municipal assets. As a precursor to divvying shares, the municipality's unlawfully held assets must be divided up into distinct entities. For example, the water system, as described above, might be made a single, distinct entity because it's severable from the rest of the municipal assets. The storm sewage system might be another separate, distinct entity. Or the storm sewage system might be glommed together with the street system because the two are not really severable. The parks might be another distinct entity. A municipal airport might be another distinct entity. All the municipality's unlawfully held assets need to be allocated into distinct private contracts to which the rightful owners are party. So a perpetual private contract needs to be formed for each distinct entity that can be identified within the *secular* government's set of unlawfully held assets.

Based upon these criteria, whoever is committed to the migration should develop a proposal, and should send the proposal to all the tax payers within the municipality's geographical jurisdiction. The proposal should propose to each tax payer / owner a date of the divestiture, a division of the overall assets into unique private contracts, the shares owned by the owner / tax payer, and the need for the asset owner to participate in the divestiture process. This communiqué should also include notification about the availability of all the public data upon which this divestiture is being proposed, and all other related information. It's critical that every owner / tax payer have ample

opportunity to participate in the process. Otherwise, this process will deteriorate into another corrupt privatization. Anyone who refuses to acknowledge the need for divestiture should be given ample opportunity to seek unanimous consent to reject the divestiture, and thereby turn the *secular* municipality into a *de jure religious social compact*. Even though given ample opportunity to oppose the divestiture, it's important that there be a reasonable time limit on this period of deciding whether to go through with the divestiture or not. Because unanimous consent is extremely unlikely, after the reasonable time period, the divestiture should go forward.

Given that the divestiture goes forward, the *secular* municipality after divestiture will be a lawful, *de jure secular social compact*. Upon the date of divestiture, the *secular* municipality's former unlawfully held assets will be in the control of the lawful owners. Based on each owner's holding of voting stock, and their shares in the various new private contracts, the owners will take control of the assets and will assume governance of the *de jure* private contracts. After the date of divestiture, whether the divestiture turns into another corrupt privatization or not will depend entirely upon the decisions of the various share holders. If the date of divestiture arrives, and the private contracts all become lawfully and beneficially governed, then the community should be grateful. If the divestiture never happens properly, then it's probably because criminals insist on keeping control, and because serfs refuse to take their responsibilities under the *positive-duty clause* seriously.

If the divestiture process goes rogue before the date of divestiture, then it's probably the fault of corrupt bureaucrats, politicians, crime syndicates, and an ignorant and/or apathetic population. If public employees are subjected to constant scrutiny, as is necessary and lawful under the circumstances, then it should be possible to ensure lawful divestiture. But it's crucial to understand that the corruption in this country runs extremely deep. Given the depth of the corruption, safeguards need to be established pervasively to make sure that parasites do not ruin the process.

The basic pattern outlined in this description of divestiture applies to every unlawful asset currently being held by the *de facto secular* governments at every level of the confederation. So it's reasonable to expect to be able to convert this basic pattern into a more rigorous algorithm. But it's also reasonable to expect that such an algorithm would need to be tweaked according to the specific circumstances of the given asset. For one thing, this is because each of these different kinds of assets has its own peculiarities. It's also because each level of the confederation has its own peculiarities.

As an example of how this algorithm should be tweaked, consider an armory that exists within one of the fifty States. Suppose the armory is designated by the *de facto* State for exclusive use by the State's National Guard units. In order to

know how to proceed in regard to these assets, it's crucial to know whether they even need to be migrated. — Each State must be divested of its unlawful assets if it is to be converted into a lawful *secular social compact*. The question is whether the National Guard armory is lawful under a *secular social compact*. For the sake of defending itself against massive *delicts*, every *secular social compact* should have a militia.[1] Because every State's National Guard units have become tools of "officials" who enjoy wallowing in jurisdictional dysfunction, it's important to form each militia from scratch. So all of the National Guard's assets should go through this divestiture process. However, it's reasonable that the newly formed, *de jure* militia would be given preferential treatment by the tax payers / owners after the date of divestiture, meaning that the owners might naturally be inclined to allocate the armory to the new militia after the divestiture.

As this example illustrates, there are special considerations that should go into every divestiture. Even so, the pattern is largely the same across the board. The divestiture process is all about vigilantes taking control of unlawfully held assets, and putting control of those assets back where it belongs.

* * *

Every aspect of this Great Expatriation is similar to every other aspect in that each aspect is about establishing jurisdictional integrity. This is true regardless of whether the migration involves assets or not, and regardless of whether the migration is from a *secular* government to a *religious social compact*, to a perpetual private contract, or to oblivion. The natural-rights polity and *metaconstitution* demand these changes. The truth of the *metaconstitution* should be intuitively obvious to anyone with common sense, and it should be embraced by Bible-believing Christians as a certain feature of God's plan for humanity.

Although the setting for the Noachian covenant, upon which this jurisprudential examination has been based, was populated by only eight people, to complete the examination, it has been necessary to assume a much larger population. To make the examination plausible, it has been necessary to assume that there were far more than eight people. This has not been done to bend the biblical facts. It has been done to manifest the tree into which the Genesis 9:6 seed was intended to grow,

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1 A *secular social compact* emphatically does NOT need a militia for any other purpose. For example, "acts of God" and other non-*delictual* mass catastrophes are *ultra vires* for a *secular social compact*'s militia. The manpower needed to deal with such catastrophes needs to come from individuals and from *religious social compacts*, not from *secular social compacts*, for the sake of jurisdictional integrity.

has grown, and is growing. It's been necessary to show that the ideas encompassed by Genesis 9:6 are fitting for both small and large populations. Given that the Noachian covenant is eternal, it's fitting that the concepts that it encompasses are applicable not only to the eight people who lived immediately after the flood, but also to a time when the human population had multiplied exponentially. The polity encompassed by this seed was designed to become manifest as the need for aggregate dominion (as evident in the take-dominion creation ordinance) became more and more pressing.

Although this jurisprudential exposition of Genesis 9:6 has been focused on the "domestic" attributes of the natural-rights polity, there has been some mention and cursory treatment of "international" attributes. Thus far, this exposition has examined *secular* law, *religious* law, *municipal law*, *political law*, and *commercial law* to show how they can manifest the natural-rights polity in the "domestic" arena encompassed by the *metaconstitution*. But the exposition of *international law* has occurred only enough to show how relations between *social compacts* must be, within the *metaconstitution*. Under the auspices of the Noachian covenant, this exposition of the "domestic" *metaconstitution* has assumed a monolinguistic population. But to include "international" in the normal sense of that term, it's necessary to assume not only a much larger population, but also the division of humanity into a multitude of nations and languages. To get the "domestic" attributes down, it has been necessary to focus on a single hypothetical population that was diverse, but which nevertheless was monoglot and had a substantial amount of agreement about pursuing the implications of Genesis 9:6. The fact that in the real world, this *metaconstitution*-gestating society is surrounded by a polyglot world composed of nations and peoples who have little or no commitment to the natural-rights polity has not been sufficiently addressed. So this *international* aspect of the *metaconstitution* still needs attention.

Now that the "domestic", internal attributes have been described, it's necessary to focus not so much on the "domestic" attributes of the single-society, but on the interface of this natural-rights–honoring society with the polyglot milieu, to see it surrounded by inimical "international" forces. So this biblical exposition is now returning from this extended abstraction to the actual text of Genesis, to see what the Bible clearly says in Genesis 9:18-11:9. That will be the focus of the next two chapters.

It's important to remember in passing that if Genesis 9:6 is understood to be the primary article of a global constitution for human law, then the constitution's preamble is the antediluvian object lesson / disclaimer. The Genesis 9:6 proportionality holds even under the Messianic covenant's dispensation of grace, evidenced by the fact that the Messianic covenant never refuted the Genesis 9:6 proportionality in any

way. The Messianic covenant never refuted that basis for global human law. The antediluvian object lesson / disclaimer (which states that humans are not qualified to enforce the natural law against other people, with the exception posed by the strictly construed jurisdiction of the *positive-duty clause* in Genesis 9:6) combines with the Genesis 9:6 proportionality to form the foundation for global human law. The global human law established in the Noachian covenant persists until the end of the ***law-enforcement epoch***.

For this examination of who enforces, and how, in the "domestic" arena, to be adequate, there is one final concern that needs to be addressed. The concern pertains to whether it's valid to consider the natural-rights polity a genuine aspect of Christ's kingdom on earth. Many people assume that ANY human polity is of this world and not of Christ's kingdom. The argument in favor of this assumption appears to come immediately out of the mouth of Jesus Christ when He's being interrogated by Pontius Pilate. Christ says,

> "My kingdom is not of this world. If my kingdom were of this world, my servants would have been fighting, that I might not be delivered over to the Jews. But my kingdom is not from this world."
>
> (John 18:36; **ESV**)

On its face, this appears to be reference by Christ to the *olam ha-ba*, the "world to come". On its face, this may also be saying that Christ's kingdom is so other-worldly that it couldn't include the natural-rights polity. Certainly, under the natural-rights polity, Christ's followers would have indeed "been fighting". This interpretation that Christ is here claiming that His kingdom is other-worldly is reinforced by a similar claim from Hellenistic influences. The latter interpretation holds that Christ's claim in this verse is influenced by a bias from Platonic dualism, a bias which says that there's something inherently unclean about the physical universe. God refuted the Platonic bias when He said that everything, including the physical universe, was "very good". So Christ was certainly not flaunting Platonic dualism in saying this. But on its face the claim that He was saying that His kingdom is in the afterlife appears to have some substance to it.

In rabbinical literature, the *olam ha-ba*, world to come, is generally contrasted with the *olam hazeh*, "this world". Given that Jesus was very familiar with rabbinical literature, as well as with the *Tanakh* (the Old Testament), Christ was probably very familiar with these terms. But from the fact that He understood rabbinical literature it does NOT follow that He followed rabbinical interpretational policies. So when Christ said that His kingdom is not of this world, He might NOT have been claiming that His kingdom was as other-worldly as the *olam ha-ba* indicates. He was certainly not claiming that His kingdom was utterly other-worldly in the

Platonic sense. But He was also probably not claiming that His kingdom was other worldly in the rabbinical sense.

When Christ was speaking of His kingdom to Pilate, He must have been speaking of a kingdom in which He was certainly king, and a kingdom which was radically different from all the polities extant in human societies, both then and now. But it certainly was a kingdom, and it was therefore certainly a polity. Since Christ was sinless, it appears on its face that Christ's kingdom must be sinless. This interpretation conforms to the *olam ha-ba* interpretation, in that an aspect of the *olam ha-ba* is held by rabbinical literature to be the *Gan Eden*, the garden of Eden, or paradise, certainly a sinless place. But this interpretation is also not satisfactory, because, among other things, it doesn't recognize the difference between the New Jerusalem (another sinless habitat) and the garden of Eden.

When Christ submitted Himself to John's baptism, by doing so, He was identifying with sinners who all deserved to be drowned when God wiped out the human race except for eight people. By doing this, Christ was essentially admitting that He was King over a kingdom of sinners. By doing this, Christ was essentially identifying with the polity designed to govern this kingdom. Given this scenario, Christ is the sinless King over a kingdom of people, who, at least as long as they are alive in "this world", are all sinners. But the process of establishing His kingdom on earth necessarily requires that the people in His kingdom understand the polity of the kingdom. Even if each of the apostles had a perfect understanding of that polity, they also knew that practically no one else, other than Christ, had such an understanding. They understood that there would necessarily be a massive educational program that might last for centuries, in order for knowledge of this polity to manifest on earth. It's obvious that SOME polity is necessary for God's elect among the human race to take aggregate dominion over the earth, in keeping with the take-dominion creation ordinance. So even if all the apostles understood this polity perfectly, the polity itself was still other-worldly while they were alive on this earth. Certainly Christ understood this, and perhaps Paul and some of the other apostles understood this. But there's no record of any of them addressing this polity issue. This is probably because Christ's elect needed to grow up into it. That growth might take as long to fulfill as the "great commission".

The interpretation of John 18:36 that holds that Christ's kingdom is utterly sinless because Christ is utterly sinless essentially equates Christ's kingdom with the New Jerusalem, or with the garden of Eden, or with the intermediate state (in which those dead in Christ are sinless, but also body-less). Those are all other-worldly, in keeping with His description to Pilate. But they do not adequately consider the fact that Christ submitted Himself to John's baptism. — Why should a sinless man go

through a symbolic process of being cleansed of all sin? Jesus said it was "'fitting … to fulfill all righteousness'" (Matthew 3:15; **NASB**), even though He was indeed sinless. Why? The answer to that relates to baptism, and what it symbolized. It certainly symbolized the cleansing of sin. But as indicated by Peter's epistles (1Peter 3:18-21), it also symbolized much more than that. It symbolized deserving to die in the flood because of sin, and being raised from that death to live again. By that characterization, Noah and his family deserved to die in the flood because they were sinners. But in spite of the fact that they were sinners, God preserved them through the flood. Immediately after resurrecting them from the flood, God made covenant with Noah and his family. Embedded in the terms of that covenant was the seed of the natural-rights polity. Christ voluntarily submitted Himself to being symbolically drowned in the flood because that was a necessary precursor to being the King over this Noachian polity. So when Christ told Pilate that His kingdom is not of this world, He was saying that the polity over which He is the ruler is one in which the leaders of this polity do not systematically abuse people, as every other polity of this world does. This doesn't mean that the people who implement the polity do so perfectly. It means that the King of the polity is sinless and perfect. It also means that His kingdom's polity is better than any polity then existing in the world, even though the human exponents of the King's polity are far from sinless.

Part II

Chapter 9:
Continuing the Chronological Exegesis of Secular Human Law:
One Nation to Many Nations
(*Law-Enforcement Epoch* — Genesis 9:18-11:9)

At the end of the Noachian covenant, the historical narrative in Genesis shifts from focusing on biblical law to focusing on biblical fact. The Noachian covenant ends by saying, referring to the rainbow, "God said to Noah, 'This is the sign of the covenant that I have established between me and all flesh that is on the earth.'" (v. 17) Then the narrative shifts into speaking of Noah's three sons. — The passage from 9:18-11:9 can be divided into five sections, where each section is pure biblical fact. Out of these five sections, only the fifth has obvious ramifications for biblical law, and those ramifications are huge.

In the first section, Genesis 9:18-19, the most significant biblical fact, so far as this **exegesis** is concerned, is the fact that from Noah's three sons, Shem, Ham, and Japheth, "the whole earth was populated" (9:19b, **NASB**).

The second section, 9:20-27, presents the episode in which Noah got drunk and naked, and one son, Ham, chose to broadcast his vulnerable condition while the other two chose to cover it up. There is certainly moral counsel here, but nothing that has obvious implications for global human law.

The third section, 9:28-29, merely states that Noah lived for 350 years after the flood, and died when he was 950 years old.

The fourth section contains all of chapter 10. It is all biblical fact and mostly genealogy. But there are certain fact claims that are important to establishing the setting and circumstances for the events in the fifth section. Other than the first and last verses of chapter 10, which are prefatory and conclusory, the chapter is focused on three genealogies, one for Japheth (10:2-5), one for Ham (10:6-20), and one for Shem (10:21-31). At the end of each of these three genealogies is an indication that the sons of the given son of Noah were divided into distinct clans, languages, lands, and nations. Chapter 10 ends with a reiteration that, "out of these the nations were separated on the earth after the flood" (v. 32; **NASB**).

Prior to Genesis 10, there is little or no hint in the Bible that in the process of populating the earth, the human race would be split into different languages and nations. It's reasonable that they would be split into different families that would occupy different lands. But different "languages" and "nations" is something new, something being initiated at this particular historical moment.

The fifth section of this passage, Genesis 11:1-9, contains a description of how and why these descendants of Noah became separated into distinct nations and languages. Because the ramifications of 11:1-9 for this **exegesis** are huge, these nine verses demand serious attention.

> 1 Now the whole earth had one language and the same words.
> 2 And as people migrated from the east, they found a plain in the land of Shinar and settled there.
> 3 And they said to one another, "Come, let us make bricks, and burn them thoroughly." And they had brick for stone, and bitumen for mortar.
> 4 Then they said, "Come, let us build ourselves a city and a tower with its top in the heavens, and let us make a name for ourselves, lest we be dispersed over the face of the whole earth."
> 5 And the Lord came down to see the city and the tower, which the children of man had built.
> 6 And the Lord said, "Behold, they are one people, and they have all one language, and this is only the beginning of what they will do. And nothing that they propose to do will now be impossible for them.
> 7 Come, let us go down and there confuse their language, so that they may not understand one another's speech."
> 8 So the Lord dispersed them from there over the face of all the earth, and they left off building the city.
> 9 Therefore its name was called Babel, because there the Lord confused the language of all the earth. And from there the Lord dispersed them over the face of all the earth.
>
> (Genesis 11:1-9; **ESV**)

These nine verses may consist entirely of biblical fact, but they nevertheless demand attention because of their implications for biblical law.

It may be customary among many Bible readers to treat these nine verses as a quaint myth or fable designed for children. It may be customary to treat this passage as though it has little or no bearing on reality in the 21st century. This may be the case because Bible readers often follow a traditional interpretation of these verses that characterizes the protagonists' motives as being a bit frivolous. This exposition holds that their motives were more heinous than frivolous. This exposition also holds that these verses describe far more than a quaint fable. At the very least, to whatever extent these verses are metaphorical and symbolic, they define another object lesson

like the antediluvian object lesson. The Babel builders were pursuing an extremely serious objective by attempting to build the Tower. In fact, this objective marks a syndrome that is practically always the cause of the demise of human governments. The syndrome is what this exposition calls "group-think". The objective is essentially an idol that arises out of bad leadership, bad ideas, and lazy followers. People start thinking collectively instead of relying upon their own private consciences and their own relationships with God. So this exposition is saying that the object lesson is, "Avoid group-think."

After the flood and the promulgation of the Noachian covenant, Noah's descendants settled in a place called the "land of Shinar". There is some difference in interpretation about how they came to find the "plain in the land of Shinar". The **ESV** indicates that they were migrating from the east, and therefore moving west. But the **NASB** indicates that they "journeyed east". Regardless of where they came from, they settled on this plain in the land of Shinar. — How long after the flood the people settled in the land of Shinar is not explicit, but there is some evidence to indicate how many generations had passed. Shem's son Arpachshad had a son Shelah, who had a son Eber, who had a son Peleg (vv. 10:21-25). According to the translators of both the **ESV** and the **NASB**, Peleg means "division". Verse 10:25 indicates that Peleg was called Peleg because "in his days the earth was divided". Using the analogy of faith to ascertain the meaning of this division, it's obvious that the division refers to the division and separation (v. 10:32) of the people into languages and nations, from monoglot to polyglot, and from one nation into many nations. Given that the division, meaning the Tower of Babel division, happened during Peleg's lifetime, the division happened between Peleg's birth (101 years after the flood, basing calculations on Genesis 11:10-26) and Peleg's death (340 years after the flood, based on Genesis 11:10-26). Because Noah lived for 350 years after the flood (v. 9:28), Noah was alive during the division, assuming the division happened during Peleg's lifetime. Given that these numbers and assumptions are true, the population that settled in the land of Shinar may have been as large as the population that died in the flood.

After settling on the plain of the land of Shinar, they said to one another, "let us make bricks and burn them thoroughly". Why would they do that? According to the next verse, they also wanted to "build for [themselves] a city". They would need bricks to build a city. But why would they want to build a city? And why would they want to "build … a tower whose top will reach into heaven"? The motives behind making bricks, building a city, and building a tower are indicated by something else that they said to one another. They said, "let us make for ourselves a name". Before trying to figure out why they would want to make a name for themselves, it's

first important to understand what it means to "make … a name". This is where traditional interpretations fail to grasp the gravity of the circumstances, and these interpretations thereby turn these verses into little more than an amusing fable.

In the typical understanding of what it means to make a name for oneself, the expression is synonymous with gaining a reputation or fame. So *shem* (Strong's #8034, translated "name") "can be a synonym for 'reputation' or 'fame'."[1] On the other hand, sometimes "an individual's 'name' reveals his essence". For example, "the names by which God revealed himself … do reflect something of his person and work".[2]

> In the ancient world, knowledge of a person's name was believed to give one power over that person. A knowledge of the character and attributes of pagan "gods" was thought to enable the worshipers to manipulate or influence the deities in a more effective way than they could have if the deity's name remained unknown.[3]

With these things said, it's clear that in "the ancient world", a name could carry far more significance than merely reputation and fame. This greater significance certainly doesn't eliminate the motive to acquire reputation and fame, but rather encompasses and undergirds it. So the claim that they wanted to "make … a name" for the sake of reputation and fame may be true, but it doesn't get to the bottom of what's going on in this passage. The claim that "an individual's 'name' reveals his essence" may appear to be a superstition that is negligible in the light of supposedly sophisticated, high-tech, 21st-century knowledge. But there are other sources that make similar claims about names, and these other sources act as a warning against dismissing this understanding of names as mere superstition. Both wave physics and other passages in the Bible demand a much more discerning approach to this issue than the mere reputation-and-fame explanation allows.[4]

According to Genesis 1, God spoke the universe into existence. According to John 1, the Word existed before the universe, and the universe came into existence by way of the Word. These biblical facts relate directly to wave physics by way of

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1 **Vine's**, "Old Testament Section", p. 158.

2 **Vine's**, O.T. section, p. 158. — The concern about the use of a name that reveals the essence of a person reaches its zenith in the concern about uttering the Tetragrammaton. For a short history of the use of this "four letter name" of God, as well as the twelve-letter name, see Cohen, **Blessed Are You,** pp. 7-8.

3 **Vine's**, O.T. section, p. 96.

4 Porter, **Theodicy**, Part I, especially Chapter A, "Wave Physics in General". — URL: http://BasicJurisdictionalPrinciples.net.

the fact that speaking and words exist in essentially two different but related states. The spoken word is sound, and sound is transmitted by way of waves of vibrating air. Words that are thought may have an electromagnetic and chemical counterpart in the brain, but it's likely, given the research cited in Porter, **Theodicy**, Part I, that thought waves, including thought words, have a radiative quality, which means that they can exist as waves of electromagnetic radiation. Wave physics thereby agrees with the Bible that it's at least possible that the universe came into existence via the transmission of thought waves, and the transformation of such waves into what is recognizable to ordinary humans as physical stuff.

Given these facts, a name could be an extremely important aspect of someone's existence. Whoever knows the name could potentially have power to manipulate the named person or thing through the creation of some kind of resonance effect. The research cited in Porter, **Theodicy**, Part I, should make it clear that this is not mere mumbo jumbo and superstition. It may be difficult to create a given resonance effect, but it's not impossible.

Assuming that all these things are true, the question remains: How does wave physics relate to the people's attempt at making a name for themselves? It relates to the Tower of Babel episode like this: By trying to make a name for themselves, the people on the plain of Shinar were in effect trying to form a fully coherent group standing wave. This was their primary purpose, but their efforts were also manifesting in the form of a physical tower. But their efforts lacked a very important component. God is no mere component for anything. But their efforts did not even include God as a component. In effect, they were attempting to form the New-Jerusalem habitat without giving God His due. They were attempting to form this fully coherent group standing wave based on idolatry. The idol was their own self-aggrandizement.

The reason this Tower of Babel episode is far more important and significant than a quaint fable about reputation and fame, is because seeing the depth of this object lesson divulges a syndrome that marks almost all human group activities. Humans are prone to prefer following one another over following the natural law. Humans are prone to being agreeable with one another, even at the expense of the truth, rather than to demand the truth even if it means being disagreeable. A genuine and holistic preference for truth will always see God at the center and apex of such truth. A genuine and holistic preference for truth will always prefer obedience to natural law over agreement with other people, and God will always be recognized as the giver of such natural law, and the enabler of agreement based on such natural law. Putting agreement and people first, and truth and God second (or third, or nth), is what this exposition is calling "group-think". It is a syndrome

that marks practically all human activity in the habitat between the garden and the New Jerusalem, in one way or another. It is a disease that is the root cause of the destruction of human societies. It is therefore at the core of the demise of all human governments. At some point, people decide that it's more important to go along with the crowd than it is to follow God. Cooperating, even with fraud and *delicts*, becomes more important to people in general than truth and righteousness. Unless people are extremely wary and guarded against it, group-think can take over any enterprise that involves more than one person.

Group-think is what was uniting the people in what they did to make a name. If it had been God and the natural law that was uniting them, then there would have been no reason for God to confuse their language. But they were motivated by something other than devotion to God, truth, grace, and natural law. They were motivated to make a name for themselves under this wave-physics description of what that means, and they needed to make this name to avoid being "scattered abroad over the face of the whole earth". They apparently presumed that if they had been able to form a genuinely coherent collective standing wave through their agreement, then they would have stayed together, and they would not have been scattered. This is the impetus towards social cohesion based on group-think as opposed to social cohesion based on devotion to God and truth. While John 10:1 refers to a single man trying to enter the sheepfold by some means other than through the door, this Tower of Babel episode depicts a group of people trying to do the same thing as a group. Jesus said, "that man is a thief and a robber". The same characterization applies to the Babel builders.

Given that God is God, and these people were the pathetic creatures that they were, God's response to their antics looks like measured sarcasm, the same kind of sarcasm that appears in Genesis 3:22. In Genesis 11:6-7 (**NASB**), God said,

> "Behold, they are one people, and they all have the same language. And this is what they began to do, and now nothing which they purpose to do will be impossible for them. Come, let Us go down and there confuse their language, that they may not understand one another's speech."

Being omniscient, God knew that there was absolutely no way that they would ever attain a genuinely coherent group standing wave based on group-think. So the statement that "nothing which they purpose to do will be impossible for them" is mockery. — In Genesis 3:22 (**ESV**), God said,

> "Behold, the man has become like one of us in knowing good and evil. Now, lest he reach out his hand and take also from the tree of life and eat, and live forever"

This is also mockery. "Oooh, look, they wanted the full range of choices available under the natural law, and now that they've got it, they think they can dodge the repercussions by eating off the tree of life. They're in for a big shock. Just because they have the full range of choices, that doesn't mean that they know how to choose so that they are able to maintain eternal life. There's no way they're going to do that. Time to disabuse them of this delusion by booting them out." — In 11:6-7, the mockery is similar. "Oh, look, these people think they can attain a genuinely coherent collective standing wave based on group-think, and without going through the necessary procedures. How pathetic! If they could, then they'd be able to do practically anything. But they can't. Let's go down and disabuse them of this delusion as well, and make it clear that they have no viable choice but to esteem truth higher than human opinions. When they have language in which there is a measure of harmony between name and form, they go on a flaming power trip. So let's teach them a lesson by splitting them up into a multitude of clans, languages, lands, and nations, where there is minimal harmony between name and form in each of these various languages."

Because God spoke things into existence, there was necessarily a one-to-one correspondence between the name God chose and the actual things, objects, entities that his naming created. In other words, God's naming had generative power because of consistency between the name and the form generated by his speaking the name. In contrast to this, the man's naming (Genesis 2:19) did not have the same generative power. Even so, because the man was created in God's image, it's reasonable to assume that there was much more harmony between name and form in the man's language than there was in the languages of the people after God confused them.

The motive behind this Babel project is very much like the motive indicated in Genesis 3:22. The people wanted the advantages of complete obedience to natural law without paying the price by actually obeying natural law. The line of reasoning in Genesis 3:22 was, "Maybe we can sneak past God and get standing wave permanence without actually paying the price for it." The line of reasoning in Genesis 11:1-9 was something like this: "Even if God won't allow us to have individual standing wave permanence, maybe we can sneak around God and attain permanence of our collective thought wave simply by being in agreement about our collective goals." God's response was exactly the same as it was in Genesis 3: "You pathetic little creatures are not sneaking around God in any way, ever. No amount of human self-glorification will change this, ever." Human motives are so deeply and inherently flawed that humans can never attain either individual standing wave permanence or

collective standing wave permanence by any human-initiated mechanism. It is only by the sovereign grace of God that any humans can ever attain either.

God created human beings to be in community with Him. For human beings to maintain such community with God, they must be able to recognize and acknowledge Him. If people value God's creation more than they do its Creator, they fail in this recognition and acknowledgement. In short, they are idolaters. — In this passage there are two demands, which in some respects are complementary, and in other respects are at odds. — The (i)demand to recognize God, and the (ii) demand to recognize the "image of God" in people, are complementary in this sense: If one fails to recognize God, how can one adequately recognize the "image of God" in other people? One cannot. Likewise, if one fails to recognize the "image of God" in people, how can one adequately continue one's recognition of God? One cannot. — The (i)demand to recognize God, and the (ii)demand to recognize the "image of God" in people, are generally at odds in practice for fallen humans, even though they are not at odds in theory. The neglect of the former under the pretense of recognizing the latter is one way of understanding group-think. In practice, the human race is on the horns of this dilemma. In theory, there's no reason for this dilemma to exist, because either-or logic is not appropriate here, but both-and logic is appropriate here.

Above all the other things that this Babel episode may express, it expresses God's displeasure at social organizations that are aimed at something other than His glorification. *Social compacts* that are focused primarily on idols are always doomed to failure. This tower was a man-made artifice geared to "reach into heaven". The "heaven" that this artifice reached into was probably the physical sky. But their intention was to build this tower into what the apostle called "the third heaven", where true happiness lies. They were trying to gain happiness through a process that circumvented God and created a counterfeit heaven. This episode is a warning against any human or group of humans attempting to develop social programs and organizations that glorify man to the exclusion of God. All such attempts are ultimately doomed. This is a cycle in human history that has repeated itself through countless iterations: People start a social organization for seemingly good intentions. It thrives for a time. The organization takes on a life of its own. Motivations relevant to the organization go askew. The organization starts going awry. It becomes more and more obvious to more and more people that the organization's purpose is perverted. People start abandoning the organization due to lack of interest. It ultimately ceases to exist altogether.

Evidenced by the fact that the people were split up into numerous clans, languages, lands, and nations (Genesis 10:31), God's response to the Babel project

was emphatic. The people were attempting to build a collective standing wave based purely on human agreement. But God "dispersed them from there over the face of all the earth, and they left off building the city" (v. 8). Any effort at implementing such an agreement that does not pay due diligence and honor to God and truth is doomed, and is justifiably denigrated as group-think. The object lesson is that group-think doesn't work. So any effort at building or maintaining any kind of human government based on group-think is ultimately disastrous.

Regarding the abandonment of the Babel project, Geerhardus Vos says, quoting Delitzsch, "'the immoral and irreligious products of one nation are not equally destructive as those of an undivided humanity', and 'many false religions are better than one, since they paralyze one another'."[1] So God imposed a primordial form of "checks and balances" on the entire human race to neutralize the power of group-think.

> Now it is through maintaining the national diversities, as these express themselves in the different language, and are in turn upheld by this difference, that God prevents realization of the attempted scheme. Besides this, however, a twofold positive divine purpose may be discerned in this occurrence. In the first place, there was a positive intent that concerned the natural life of humanity. Under the providence of God each race or nation has a positive purpose to serve, fulfillment of which depends on relative seclusion from others. And secondly, the events at this stage were closely interwoven with the carrying out of the plan of redemption. They led to the election and separate training of one race and one people. Election from its very nature presupposes the existence of a larger number from among which the choice can be made.[2]

(1)Under this regime of "checks and balances", each clan, language, and nation will develop uniquely, in its own land, and will develop attributes that will be valuable at the consummation of this age, when these nations again start becoming one nation, but this time, with an inborn aversion to group-think. (2)The breakup of the single nation into many nations laid the foundation for "the plan of redemption", in which God would work through a single nation to bring wholeness and holiness to them all.

When God broke up the Tower of Babel party, and sent humanity into many nations, languages, families, and lands, all of these new nations, *etc.*, were obviously lacking the proper motivation to properly fulfill their obligations under Genesis 9:6.

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1 Vos, pp. 59-60.

2 Vos, p. 60.

They didn't properly appreciate God, and they didn't properly appreciate the "image of God" in people. So they lacked the proper motivation to enforce natural rights. As a result, practically every one of these nations fell into institutionalized abuse, *i.e.*, institutionalized perpetration of *delicts*.[1] This means that the obligations of the Noachian covenant were not being properly passed from one generation to the next. Perhaps they were passed to some extent. But they were not passed to an extent adequate to meet the Genesis 9:6 standard. There may have been some consent from the younger generation, but it wasn't adequate. So the Tower of Babel project was abandoned because the whole project was riddled with violations of natural law.

In the first chapter of Luke's gospel, the mother of Jesus declares: "My soul magnifies the Lord, … for he … has scattered the proud in the thoughts of their hearts; he has brought down the mighty from their thrones and exalted those of humble estate."[2] This Tower of Babel episode is a prime example of how God "scatter[s] the proud in the thoughts of their hearts". When Noah's descendants started the Babel project, for the sake of making a name for themselves, and for fear of being "scattered abroad over the face of the whole earth", they did it out of pride, and out of the spirit of aggrandizing mankind and self. They did not do this building of city and tower out of a spirit of acknowledging that God is the author of all three legs of the natural-law tripod. Instead, they did this with an allegiance to themselves above all else, and with a collective conscience marked by fear. While gloating in humanistic pride, they had commensurate fear that perhaps this pride was not rationally consistent with the natural law. They were not building with a commitment to recognizing that all truth is God's truth. So they were afraid that God would break up their game and cause them to be scattered. Their pride was real, and too much an affront to the truth, so their fear was well-founded.

The Tower of Babel syndrome plagues the human race to this day. The syndrome explains why the jurisdictional boundaries and distinctions contained within the ambit of the *positive-duty clause* have remained largely cloaked from human cognition until now, even though they were embedded in the Bible from the beginning. The Tower of Babel episode ended, and the distinct clans and nations into which the descendants of Noah were separated were jurisdictionally dysfunctional. God's response to the Babel society's attempt at self-aggrandizement was to break that

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1 This is obvious if one looks at how slavery became part of their lives. Slavery is a form of institutionalized perpetration of *delicts*. It is by definition ownership by one human being of another human being. For one person to own another, the property rights of the latter must be denied and deprived. Active denial and deprivation of another person's property rights is by definition perpetration of a *delict*.

2 Luke 1:46-52 (**ESV**).

society's *social compact* into myriad *social compacts* with a vast constellation of various mixtures of *jural* and *ecclesiastical* functions – that is, into myriad *social compacts* with confusion about their purposes and functions.

When the monoglot, Tower-of-Babel *social compact* disintegrated, the world went from a single, jurisdictionally dysfunctional *social compact* into a diversity of jurisdictionally dysfunctional clans / nations, each having a distinct language, and located in a distinct land. The designated land defined each new jurisdictionally dysfunctional *social compact*'s geographical jurisdiction. Because of the language barriers between *social compacts*, and because each new *social compact* was jurisdictionally dysfunctional from the beginning, each would muddle together its own unique version of human law, and its own special conception of how such human law might be compatible with natural law. Under such circumstances, the potential for conflict between *social compacts* was huge, and still is. The concepts of justice, and the concepts of just war, were diverse across *social compacts*. To minimize conflict, the clans / nations often found it expedient to have clearly defined borders. These circumstances have had a huge impact on each jurisdictionally dysfunctional *social compact*'s delineation of its special geographical, subject-matter, and personal jurisdictions. If each were not jurisdictionally dysfunctional, then each would presumably be defined primarily upon the Bible's global prescription of human law. But the Genesis 9:6 mandate apparently faded into obscurity in all these new *social compacts*, probably as part of the transition from monoglot to polyglot. — The fact that these people were organized into clans and nations provides a starting place for understanding *international law*. This was the end of the ***one-nation epoch***, and the beginning of the ***many-nations epoch*** that still exists as a subset of the ***law-enforcement epoch***. In this new epoch, there is still a tension between the impetus towards pyramid building, hierarchy building, that marks the ***one-nation epoch***, versus the impetus towards the more horizontal the local and "domestic" that marks most nations most of the time during the ***many-nations epoch***. There is still a tension between the propensity towards anarchy and the need for law enforcement. There is still a tension between the depravity that the human race lives in as a result of being thrown out of paradise, and the desire to live in such paradise.

Part II

Chapter 10:
The Globally Prescribed Polity, Part II, "International"
(In-Depth Exegesis via Jurisprudential Genre)

In many respects, *international law* is a fiction. That it's a fiction is evident by camping for a while at this interface between the global covenant and the local covenants. If it's understood that the Bible's exposition of the global covenant appears in Genesis 1:1-11:9, while the Bible's exposition of the local covenants appears in Genesis 11:10-Revelation 22:21, then it's clear that at this interface between the global and local covenants, there is no globally prescribed *international law* other than the *international law* inherent within the natural-rights polity expounded above. If one assumes that the *social compact*, broadly defined, is the core agreement that allows for the existence of a nation, then *international law* is nothing more than the terms of agreements between, as opposed to within, such societies / nations. But after the Tower of Babel episode, it's biblical fact that these societies / nations / *social compacts* have been scattered around the planet and are thereby relatively isolated, and it's biblical fact that their communication is minimal because of the new polyglot circumstances. So according to biblical fact, there really are not any agreements between these nations / societies. So at this interface between the global and the local, not only is there no globally prescribed *international law* other than the *international law* inherent within the natural-rights polity. There is also no *de facto international law* at all. So there is no *international law* at this point in the historical narrative. At this point in the exposition, it's necessary to camp for a while at this interface between the global and the local in order to expose how *international law* turned from this fiction into an extra-biblical fact that everyone on planet earth lives with on a day-to-day basis in the 21st century. It's necessary to expose not only how these "international" agreements came into existence, but also what they are, and the extent to which ordinary people are affected by them, and the extent to which ordinary people are either bound by them or not. Such an agenda obviously begs answers to a few questions: What is the *de facto international law*? Where did it come from? Why should anyone recognize its existence? What are its jurisdictional limitations?

For the sake of accurately **exegeting** Genesis 9:6, this hermeneutical exposition expounded the jurisprudential genre in some detail. In the process it expounded the relationship between the *u.S.* Constitution and the natural-rights polity, and thereby established a prolonged **exegetical** encampment at Genesis 9:6. In the process, this exposition not only expounded *jural law*, but also *religious law*, *municipal law*, *political law*, *commercial law*, and *international law*, each as it exists within the confines of

the natural-rights polity. Here, at this interface between the global and the local, it's necessary to make another encampment for the sake of more thoroughly expounding the jurisprudential genre. It's necessary to expound each of these kinds of law as it exists at the interface between hypothetical societies committed to the natural-rights polity, on one hand, and external societies that have little or no commitment to the natural-rights polity, on the other. In the 21st century's statist milieu, each of these various kinds of law, outside the "domestic" arena, is a subset of the encompassing arena of *international law*. For the sake of fully understanding the ramifications of the Tower of Babel, it's necessary to understand the development of *de facto international law* from a fiction into its present status in the 21st century. For the sake of going forward, it's necessary to understand how *international law* should develop into something that's both compatible with the natural-rights polity and applicable to 21st-century circumstances. This requires another prolonged encampment. It requires another encampment for the sake of discerning, in a general way and among other things, the degree of compatibility between the natural-rights polity and *de facto international law*. It also requires another set of assumptions like the set of assumptions made at the Genesis 9:6 encampment.

It's a biblical fact that immediately after the flood, the human population was eight people. In order to expound the jurisprudential implications of Genesis 9:6, it was necessary to assume that the human population could get much bigger than just eight people. This expansion of the population was a necessary philosophical abstraction and not an assumption of actual population growth. At this encampment immediately after the Tower of Babel division, a similar abstraction is necessary. To expound the jurisprudential genre under these new circumstances, it's necessary to assume not only that the population could be much larger than it was according to biblical fact, and to accept the biblical fact that the total population was divided into numerous clans, nations, languages, and lands, but it's also necessary to assume that there were many more nations and languages than that Tower-of-Babel population would have allowed. This presupposition is not being made for the sake of violating the biblical fact that the number of nations and languages was whatever it was at that time. It's being made for the sake of expounding the jurisprudential principles embedded in those circumstances. It's crucial in the 21st century, in these latter days of the ***many-nations era*** of the ***law-enforcement epoch***, to understand those jurisprudential principles. It's also reasonable to expect that the jurisprudential genre is a necessary interpretational mechanism at this interface between the global and the local, that it is necessary to the understanding of these biblical facts, and that it can help reveal such jurisprudential principles, the same way that logic and genre analysis in general have been necessary interpretational mechanisms in the "domestic" arena.

The Globally Prescribed Polity, "International"

The primary issue in *de facto international law* is war, and the fear of war. Unscrupulous people can use war and the fear of war to manipulate and exploit entire populations. In other words, diabolical people can use *delicts* and threats perpetrated against entire populations to control and parasitize those populations. In fact, in the present age of *international law*, meaning since the Peace of Westphalia (1648),[1] certain relatively small segments of the global population have turned such exploitation into an art form. Certainly an evil art form, in the spirit of Niccolo Machiavelli's **The Prince**, but nevertheless an art form, as surely as military strategy and high-level manipulation of markets are art forms. Such lack of scruples among people supposedly in leadership positions is nothing new in human history. But the magnitude and wantonness of it in the 20th and 21st centuries is new. These nefarious oligarchs find weaknesses in the existing legal framework, and they exploit those weaknesses for their own profit, pride, and fame, *i.e.*, for the sake of making a name for themselves. Once the diabolical parasite attaches itself to the host, group-think kicks in among the underlings, and the underlings are prone to follow the dictates of the parasite, rather than the dictates of their own consciences and long-term interests.

The purpose of this chapter includes examination of the interface between the "domestic" features of the natural-rights polity and external forces and entities that inevitably arose in the transition from the ***one-nation epoch*** to the ***many-nations epoch***. This purpose necessarily entails discernment of what the natural-rights polity should accept as *international law* relative to what it should not accept. This purpose necessarily entails some application of the natural-rights polity to the "international" arena. Given that existing *international law* assumes the existence of the state, while the natural-rights polity rejects all pretense to statism, it may appear ostensibly that the natural-rights polity is proposing utter chaos in the global arena. But this is not true. The implementation of the natural-rights polity demands reason, and reason doesn't stop at national borders. Because the natural-rights polity is globally prescribed human law, it applies as much in the "international" arena as it does in the "domestic". The big problem with the "international" arena is that damage is generally done by one population against another population, rather than by

1 "Peace of Westphalia" is the name generally given to several treaties (primarily the Peace of Munster, Treaty of Munster, and Treaty of Osnabruck) enacted in 1648 in the cities of Osnabruck and Munster in the Westphalian region of Germany. The treaties ended the Eighty Years' War between Spain and the Dutch Republic, and the Thirty Years' War within the Holy Roman Empire. The treaties created a basis for national self-determination, and allowed the peaceful coexistence of Roman Catholic and Protestant nation-states.

individual against individual. When damage is done by individual against individual, or by one small party against another, it's relatively easy to see and understand the proximate cause of the damage. By discerning proximate causes, it's relatively easy to thereby discern guilt and proportional penalties, and to render justice when the need arises. In contrast, in the "international" arena, it's far more difficult to procure objective evidence and to make reliable decisions. This is especially true when "nation-states" don't even accept the natural-rights polity as foundational, and are often inherently inimical to it. To exacerbate this shortage of reliable evidence, enforcement mechanisms are far more cumbersome because they require armies, navies, and air forces rather than mere local police forces. It's also inherently troublesome to attempt to punish entire populations, when many individuals within such populations may be innocent from the perspective of biblically prescribed human law.

In the "international" arena, conflation of rationality and practicality has reigned for a long time. This is mostly because it's difficult for agents of statism to discern how common decency and morality apply in interactions between massive populations in which group-think rules, and in which obedience to God and natural law is usually seen as foolishness. Under such conditions, practical concerns become paramount to these agents of statism, and they turn reason into a servant to the my-state-first pragmatism of diplomats, ambassadors, and other agents of statism. This way, long-term moral considerations are abandoned for short-term consequences. This syndrome results largely from shoddy definitions of natural law and natural rights, definitions that have been used in *de facto international law* for a long time, and especially since the Peace of Westphalia.[1] Although the treaties of Westphalian Peace contain no explicit reference to natural law, the legal philosophers who contributed implicitly to the construction of these treaties certainly had their own ideas about what natural law is. For example, Hugo Grotius, exalted by some as "the father of international law", posited descriptions of the "law of nature" in his treatise, **On the Law of War and Peace**. Some consider Grotius to have been the brains behind the Peace of Westphalia even though he died (1645) before the treaties were ratified (1648).

To get to the bottom of what's wrong with *de facto international law*, and how to fix it by way of the natural-rights polity, it will be necessary to start by examining foundational issues. Although one's definition of natural law is certainly foundational, one's definition varies according to one's hermeneutic. Because of the

1 It's true that in many respects *legal positivism* has replaced natural law theory over the last century or two. This transition can be attributed to the pre-existing inadequacy of definitions of natural law and natural rights.

biblical hermeneutics used by legal scholars (or NOT used), the concepts of natural law and natural rights generally embedded in *de facto international law* are not grounded in Scripture, and are therefore inherently problematic. Those definitions of natural law and natural rights certainly contrast with the definitions expounded herein. So before examining *de facto international law* from the natural-rights perspective, it's necessary to first look at hermeneutical differences between the Reformed hermeneutic as expounded herein, and hermeneutics used by people like Grotius. Such an examination should show how expediency and pragmatism have displaced God-honoring rationality, starting at these fundamental hermeneutical differences. Taking this approach will eventually lead to examination of the standard concerns of *de facto international law*, concerns like war, armies, navies, ambassadors, commerce and migration across "international" borders, *etc*. This chapter will end with an examination of the fact that the United Nations and many other international institutions are functions of global parasitism.

Starting with definitions of natural law and natural rights that are not sufficiently grounded in divine law, *de facto international law*'s resulting conflation of rationality and expediency trickles down to impact most people in 21st-century America on a day-to-day basis. That trickle down from the "international" arena into the "domestic" arena happens through deference given by the "domestic" arena to the "international" arena. For example, Article VI, section 2 of the *u.S.* Constitution shows just such deference:

> This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

According to this statement, any treaty that the general government adopts is equally the "supreme law of the land" with the rest of the Constitution. So when *international law*, *i.e.*, treaties, are grounded in shoddy definitions of natural law, and are grounded in expediency and pragmatism rather than in God-glorifying reason and morality, those shoddy definitions, and that conflation of rationality and practicality, become *de facto* law to ordinary people. These factors tend to have a detrimental effect on "domestic" populations in general. To implement the natural-rights polity in the "domestic" arena, it's necessary to impede this trickle-down effect from *de facto international law*. That requires discovery of legal principles that are not readily obvious under the natural-rights polity and the *metaconstitution* as these have been expounded thus far. Such discovery of legal principles will benefit hugely from examination of the most heinous instances of global exploitation by

unscrupulous people. Such discovery of legal principles will obviously require esteeming the natural-rights polity more highly than *de facto* law, *i.e.*, it will require continuing commitment to Bible-based natural law and rejection of *legal positivism*.

This examination of the "international" arena will attempt to be comprehensive in scope without being exhaustive in detail. Because *de facto international law* in the 21st century is based on a foundation established through the Peace of Westphalia, it's necessary to move focus of the abstract timeline of this encampment from the beginning of the ***many-nations epoch*** up to the 17th century A.D., when the Peace of Westphalia was promulgated. In order to retain mental clarity about what's going on in this timeline shift, it's critical to recognize three things: (i)The biblical narrative is obviously ordered chronologically. Beside the prolonged encampment at Genesis 9:6, this **exegesis** has followed that timeline, that chronology, shifting the focus on the timeline forward as the narrative progresses. (ii)The Bible contains covenants that exist in space and time, and these covenants, because they pertain to subject-matter, *in personam*, and territorial jurisdictions, have a degree of abstraction that transcends the biblical timeline. (iii)The fact that both biblical chronology and biblical jurisdictions exist simultaneously entails that a more abstract timeline must exist under the auspices of covenantal jurisdictions. So a distinction can be made between the timeline of the biblical narrative and the timeline encompassed by the jurisdictions of a biblical covenant. — Now it should be obvious that after the Noachian covenant, there is a single global covenant that pertains to all humans thereafter. It should be obvious that that covenant has jurisdiction over all such humans, in spite of the fact that the Tower-of-Babel division marks the transition from the ***one-nation epoch*** to the ***many-nations epoch***. It's therefore possible to keep the focus of the biblical narrative's timeline steady and constant while moving the focus of the more abstract jurisdictional timeline forward to see how the jurisdictional timeline pertains to extra-biblical circumstances. It's therefore possible to move the focus of the abstract timeline forward to the Peace of Westphalia. But prior to doing that, it's probably a good idea to examine the role that civilizations have played in the ***many-nations epoch***.

Sub-Chapter 1:
The Role of Civilizations

After the Bible's description of the events surrounding the Tower of Babel (vv. 11:1-9), the Bible narrates Shem's lineage up to Terah's sons, Abram, Nahor, and Haran (vv. 11:10-26). Because God cuts His first local covenant with Abram, it's reasonable to take Genesis 11:10 as the beginning of the Bible's account of the local covenants. This is also the beginning of the Bible's evidence of what kinds of polities

developed after the Babel division. Genesis 12:10-20 makes it obvious that the Egyptians had adopted a system of princes and pharaohs, like the kings and nobles that exist by default in every nation in the Bible, with the exception of the "theocracy" that started under Moses and existed for several centuries thereafter. It's clear that in Jesus' day, monarchy was still the default polity among "Gentiles" (Matthew 20:25; Mark 10:42; Luke 22:25). The historical evidence, both from Scripture and from secular sources, indicates that the default social polities among the non-Abrahamic nations was monarchy, and it indicates that whatever *international law* existed between those nations was based heavily upon the application of force by the strong against the weak, rather than upon genuine contractual consent. Driven by what Augustine of Hippo called "*libido dominandi*", the lust for dominance, these nations have often conquered and dominated their neighbors. All that is massively obvious in both Scripture and secular history. Secular historians also mark the existence of "civilizations". So it's reasonable to inquire what role civilizations play in the ***many-nations epoch***. Why that's important in the context of this chronological **exegesis** will be clear shortly.

Secular historian, Carroll Quigley remarked that historians,[1]

> have been puzzling over the problem of whether civilizations have a life cycle and follow a similar pattern of change. From this discussion has emerged a fairly general agreement that men live in separately organized societies …; that some of these societies … should be called by the different term "civilization"; and that these civilizations tend to pass through a common pattern of experience.[2]

These civilizations are characterized not only by "having writing and city life", but also by having an extraordinary motivation to unify the world under a single worldview, culture, and set of legal principles. This impetus is largely the Tower of Babel redux. It is the impetus towards social unification based on group-think, based on the compulsion of the society to make a name for itself. Rather than following God and the natural law, such a "civilized" society follows some vision of social unification. But unlike the Babel society, post-Babel societies are divided by language barriers. So in addition to the lust for unification through idol exaltation,

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1 Quigley was a Harvard-educated professor of history at Princeton, Harvard, and, most notably, at the School of Foreign Service at Georgetown University in Washington, D.C. (from 1941 to 1976). He is especially important academically for his course and writings on the evolution of civilizations.

2 Quigley, Carroll, **Tragedy and Hope: A History of the World in Our Time**, 1966, The MacMillan Company, New York; 3rd printing, 1998, GSG & Associates, P.O. Box 590, San Pedro, CA 90733. — p. 3.

societies are also motivated by a lust for domination of other societies, a perversion of the take-dominion creation ordinance because the primary mode of operation is force rather than persuasion.

According to Quigley, there have been "approximately twenty civilizations which have existed in all of human history".[1] According to Quigley, it's generally agreed among world class historians that each such civilization goes through a cycle of being "born in some inexplicable fashion", going into an "Age of Expansion", which is followed by an "Age of Crisis" in which the civilization's fundamental ideologies are doubted, which is followed "by a period of Universal Empire in which a single political unit rules the whole extent of the civilization", which is followed by a period in which "the civilization grows steadily weaker until it is submerged by outside enemies and eventually disappears".[2] The Age of Expansion starts within a core society. It starts with some set of ideas that this core set of people agree is a great set of ideas. Like the Babel society's collective idea of making bricks and burning them thoroughly for the sake of building "a city and a tower with its top in the heavens", and thereby making a name for themselves, this core society somehow acquires some core set of ideas that compel them to expand horizontally (rather than vertically like the Babel society). According to Quigley, the Age of Expansion within the life cycles of these approximately twenty historically existing civilizations is characterized by "four kinds of expansion: (1)of population, (2)of geographic area, (3)of production, and (4)of knowledge". Given that this expansion starts with a core set of shared ideas, it necessarily starts in the arena of knowledge. "The expansion of production and the expansion of knowledge give rise to the expansion of population, and the three of these together give rise to the expansion of geographic extent."[3] The expansion of production obviously starts with the expansion of knowledge, but there's also obviously a feedback loop between production and knowledge. In the same way that the expansion starts with a core set of people and a core set of ideas, it also starts in a core geographic area. In this Age of Expansion, the so-called civilization comes to encompass not only a core area, but also a peripheral area and a semi-peripheral area.

According to Quigley, the Age of Conflict (or Crisis) starts when the expansion starts slowing down. Seeing this process from the perspective of the Tower of Babel, the expansion starts slowing down when the people within the core group start

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1 He lists sixteen: Mesopotamian, Egyptian, Cretan, Indic, Canaanite, Sinic, Hittite, Classical, Andean, Mayan, Hindu, Chinese, Japanese, Islamic, Western, and Orthodox. — Quigley, p. 7.

2 Quigley, pp. 3-4.

3 Quigley, p. 4.

realizing the extent to which their core set of ideas is riddled with idolatry. Even if they're pagans and remain pagans throughout, somewhere in the recesses of their minds they know that their core ideas violate natural law. That subliminal (or perhaps conscious) knowledge generates doubts about what they're doing, about their core ideas, and about the whole expansion enterprise. This aggregate doubt manifests as specific characteristics that are common to the Age of Conflict. According to Quigley, the Age of Conflict

> is marked by four chief characteristics: (*a*) it is a period of declining rate of expansion; (*b*) it is a period of growing tensions and class conflicts; (*c*) it is a period of increasingly frequent and increasingly violent imperialist wars; and (*d*) it is a period of growing irrationality, pessimism, superstitions, and otherworldliness.[1]

The expansion started with a good idea, but it was a good idea out of Godly context. The Babel society attempted to pursue a good goal, greater social cohesion, but not in a good way. They aimed at this greater social cohesion by trying to make a name for themselves, "lest we be dispersed over the face of the whole earth". Their intermediate goal in this pursuit was the building of the city and the tower. But they did these things to the exclusion of God, rather than for the sake of honoring, exalting, and glorifying God. So their good ideas and good intentions were accompanied by massive violations of natural law. The same basic psychology is at the root of the Age of Conflict of all twenty civilizations. The doubt that characterizes this bad psychology infects the expansion process and causes a "declining rate of expansion". Coinciding with this doubt, disagreement starts replacing agreement, and leads to "growing tensions and class conflicts". The people who are best able to suppress their doubt tend to become belligerent against those who entertain the doubt, and this explains the "growing tensions and class conflicts". But because mores discourage belligerence by core parties against core parties, those good at suppressing their doubt turn bellicose towards outlanders more so than against their fellows within the core. So they engage in "violent imperialist wars". Those who entertain the doubt turn their former confidence into "irrationality, pessimism, superstitions, and otherworldliness".

According to Quigley, in most civilizations, the Age of Conflict is followed by an "Age of Universal Empire".

> In most civilizations the long-drawn agony of the Age of Conflict finally ends in a new period, the Age of Universal Empire. As a result of the imperialist wars of the Age of Conflict, the number

1 Quigley, p. 5.

> of political units in the civilization are reduced by conquest. Eventually one emerges triumphant.[1]

In the process of expanding geographical area, the core set of people generally take dominion over other nations that usually speak other languages. During the Age of Conflict, "imperialist wars" generally break out between such foreign nations and the core faction that's good at suppressing their doubts. Out of these wars there eventually emerges a single faction that dominates the rest, and this establishes the Age of Universal Empire over the entire geographical area encompassed by the Age of Expansion. — Because Universal Empire is inherently unsustainable, because it is built on oppression of a majority by a minority, each empire eventually crumbles because it "grows steadily weaker until it is submerged by outside enemies and eventually disappears". But Quigley claims that there are two known exceptions to this general civilization-life-cycle rule.

Given these characteristics of "civilization" – being born in idolatry combined with a good set of ideas, expansion through trade with foreigners combined with *delicts* perpetrated massively against foreigners, class conflict, imperialistic wars, "irrationality, pessimism, superstitions, and otherworldliness", all climaxing in mass oppression of a majority by a minority, then disappearing – it's reasonable to assume that such "civilizations" are usually segmented into a fairly predictable set of classes: (i)a ruling class or oligarchy usually headed by the monarch; (ii)a propagandizing class composed of priests, intellectuals, and artists paid by the ruling class to keep the lower classes docile and obedient; (iii)a brutalizing class consisting of police, military, slave hunters and traders, hired slave masters, *etc.*, whose primary function is to force the lowers classes to stay docile and obedient; (iv)a class of people who neither own nor oppress slaves, nor are slaves; and (v)a slave class.[2] Although humans have proven to be remarkably adaptable, it's inherently satanic for anyone to expect people generally to adapt to this kind of mass violation of the *imago Dei*. Even so, it's safe to assume that every civilization has elements of these five classes. But the two civilizations that are exceptions to the general life-cycle rule happen to have a bit of a throttle on the propensity to slavery and abuse of the *imago Dei*.

According to Quigley, "Western Civilization" is exceptional. The evidence that it is exceptional appears in the fact that "it has been expanding for a long time".

> This fact … rests on … the fact that Western Civilization has passed through three periods of expansion, has entered into the Age of Conflict three times, each time has had its core area

1 Quigley, p. 6.

2 Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 5, "*Slavery and Statism Portal*". — URL: http://BasicJurisdictionalPrinciples.net.

> conquered almost completely by a single political unit, but has failed to go on to the Age of Universal Empire because from the confusion of the Age of Conflict there emerged each time a new organization of society capable of expanding by its own organizational powers, with the result that the four phenomena characteristic of the Age of Conflict (decreasing rate of expansion, class conflicts, imperialist wars, irrationality) were gradually replaced once again by the four kinds of expansion typical of an Age of Expansion (demographic, geographic, production, knowledge).[1]

Quigley claims that all of these twenty or more civilizations have gone through this life cycle resulting in the civilization's demise, with the exception of two, and these two still exist. The exceptions are what Quigley calls "Western Civilization" and "Orthodox Civilization". He claims that Western Civilization is most exceptional. Western Civilization was born, went through an Age of Expansion, entered an Age of Conflict, but instead of entering a period of Universal Empire at the end of the Age of Conflict, it re-entered another Age of Expansion, and it has re-entered an Age of Expansion after an Age of Conflict several times.

Given that all these civilizations have become defunct, with the exceptions of these two, it's reasonable to give Quigley the benefit of the doubt, and to at least hear what he has to say about these two exceptions. He says Western Civilization became organized in 700-970 A.D. based on new methods of production. He says those new methods of production were exemplified by a shift from infantry to mounted warriors, a change from slave power to animal power, from "scratch plow and two-field, fallow agricultural technology" to "eight-oxen, gang plow and three-field system of the Germanic people", and from "centralized, state-centered political orientation of the Roman world to the decentralized, private-power feudal network of the medieval world". From this economic and legal foundation, the wealthy minority was able to accumulate capital from which "demand for luxury goods of remote origin" arose. This marked a shift from the original emphasis on "self-sufficient agrarian units (manors) to commercial interchange, economic specialization, and … an entirely new pattern of society with towns, a bourgeois class, spreading literacy", *etc*. This shift marks the first Age of Expansion, from 970-1270 A.D. Towards the end of this period, "the organization of society was becoming a petrified collection of vested interests, investment was decreasing, and the rate of expansion was beginning to fall". These are traits of an Age of Conflict. Other signs of the first Age of Conflict were "the Hundred Years' War, the Black

1 Quigley, p. 8.

Death, the great heresies, and severe class conflicts".[1] This first Age of Conflict lasted from about 1270-1420 A.D. If Western Civilization were a normal civilization, it should have moved from this first Age of Conflict into the Age of Universal Empire. Although there were certainly impulses in that direction, evidenced by the Hundred Years' War, this impulse was circumvented by a "new Age of Expansion".

The new Age of Expansion used a "new organization of society which circumvented the old vested interests of the feudal-manorial system". This period of expansion is often called "the period of commercial capitalism". It existed from about 1440-1680 A.D. The emphasis in this kind of economy was on "profits by the interchange of goods", especially exchanges involving long distances. But this economy was also confounded by vested interests, this time by what is usually called "mercantilism". Mercantilism is a system in which vested interests impose restrictions on production and exchange of goods. This also eventually led to the ossification of economic life, and "the rate of expansion … declined … in the decades immediately following 1690". In this new Age of Conflict,

> Wars continued until about 1815, and the class struggles even later. As a result of the former, France by 1810 had conquered most of the core of Western Civilization. But here, just as had occurred in 1420 when England had almost conquered part of the core of the civilization toward the latter portion of an Age of Conflict, the victory was made meaningless because a new period of expansion began. Just as commercial capitalism had circumvented the petrified institution of the feudal-manorial system (chivalry) after 1440, so industrial capitalism circumvented the petrified institution of commercial capitalism (mercantilism) after 1820.[2]

To summarize Quigley's thesis while simultaneously setting it into the context of this chronological **exegesis**, Quigley is saying that each time Western Civilization appears to be entering the climactic stage, the Age of Universal Empire as a precursor to the terminal stage, disintegration, the civilization somehow enters a new Age of Expansion, thereby thwarting the compulsion towards Universal Empire. The new Age of Expansion arises out of some innovation or set of innovations that exist within the civilization's geographical area, within the core area, within a semi-peripheral area, or within a peripheral area. While Quigley, as a historian, simply focuses on the facts and transmits them to the reader within the context of his thesis, it's crucial

1 The fact that Quigley was a professor at a Jesuit institution may explain why he would classify proto-Protestants like the Waldensians, John Wycliffe and his followers, and John Hus and his followers as 'great heresies".

2 Quigley, pp. 9-10.

to this chronological **exegesis** to probe into why, in Western Civilization, this keeps happening. What is it about Western Civilization that has repeatedly marked it as unique among civilizations? What is it about Western Civilization that allows such innovation in the face of an Age of Conflict?

In **Tragedy and Hope**, Quigley focuses on economic innovation. The first Age of Expansion was marked by what it's reasonable to call *feudal capitalism*. The second Age of Expansion was marked by what Quigley called "commercial capitalism". Quigley claims that during the second Age of Conflict (1690-1815), there were two economic revolutions in England. There was an "Agricultural Revolution" that started in England in about 1725, based on new agricultural technology. He also claims that there was an "Industrial Revolution" that began in about 1775 in England, based on new industrial technologies. Together these spawned a new Age of Expansion having dates 1770-1929, and having an economic system that Quigley calls "industrial capitalism". So feudal capitalism marked the first Age of Expansion (970-1270), which ended in the first Age of Conflict (1270-1440). The first Age of Conflict ended in the second Age of Expansion (1440-1690), which was marked by commercial capitalism. The second Age of Expansion was ended by the second Age of Conflict (1690-1815). But the third Age of Expansion (1770-1929) ended the second Age of Conflict, and the third Age of Expansion was marked by industrial capitalism. — From this perspective, the thing that's unique about Western Civilization must have something to do with capitalism, because capitalism is somehow linked to each Age of Expansion.

To put Quigley's analysis into the context of this chronological **exegesis**, it's important to understand what Quigley means by "capitalism".

> Capitalism was an economic system in which the motivating force was the desire for private profit as determined in a price system.[1]

Even in feudal capitalism, in which trading was probably accomplished more through barter than through a medium of exchange, the motivating force was private profit.[2] If Party A found no benefit in trading with Party B, then A would find no profit in

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1 Quigley, p. 26.

2 It's critical to understand that in Austrian Economics, meaning orthodox economics, meaning correct economics, the profit motive is primarily subjective; even though it may appear to be objective within a given price system. — See Yeager, Leland, "Why Subjectivism?", **Review of Austrian Economics**, vol. 1, 1987, pp. 5-31. — URL: https://mises.org/library/why-subjectivism, retrieved 15 December 2016.

This fact entails that it's reasonable to understand even a pure barter system to have been a form of capitalism. So even though Quigley doesn't explicitly identify Western

it. The fact that trading is endemic to humans as social creatures is evidence that such a system, even if based on barter, is endemic to the human race as an enterprise. When people start using a medium of exchange, money, then the price structure inherent in the system becomes objectively manifest. So capitalism is inherent in all human societies. But the more oppressive the society, the more capitalism is suppressed. This is evidenced by the fact that Quigley defines different kinds of capitalism. He marks "commercial capitalism" (second Age of Expansion) and "industrial capitalism" (third Age of Expansion), and he even indicates that in "the last decade of the nineteenth century, it [(industrial capitalism)] began to become a structure of vested interests to which we might give the name 'monopoly capitalism'".[1] These various modifiers to this concept of capitalism, feudal, commercial, industrial, financial, and monopoly, indicate that this basic kind of economic system that is inherent in the human condition can be throttled by "vested interests". These various modifiers of "capitalism" merely indicate some kind and degree of throttling. This chronological **exegesis** has already identified capitalism that has minimal throttling as a "free market". To repeat: A free market is a marketplace in which, even though all *delicts* are not perfectly prosecuted because this is still a fallen world, all kinds of *delicts* are systematically prosecuted, and contract breaches are prosecuted as needed. So a free market is capitalism without the throttling and suppression inflicted by vested interests.

Over the centuries, by being associated with these various kinds of suppression and throttling, capitalism has gotten a bad reputation in the minds of many. But no matter how hard deluded people may try to get rid of capitalism, they'll not succeed because capitalism is an inevitable part of human societies, and the free market is an inevitable aspect of humanity at its best, this side of the New Jerusalem.

Quigley clearly indicates what he believes is unique about Western Civilization that allows it to transition from Ages of Conflict into Ages of Expansion. He says:

> [T]he distinctive character of Western Civilization rests on its Christian heritage, its scientific outlook, its humanitarian elements, and its distinctive point of view in regard to the rights of the individual and respect for women rather than in such material things as firearms, tractors, plumbing fixtures, or skyscrapers, all of which are exportable commodities.[2]

Civilization's "original economic organization of self-sufficient agrarian units (manors)" as a type of capitalism, it doesn't make sense not to. Thus, *feudal capitalism*.

1 Quigley, p. 10.

2 Quigley, p. 12.

Quigley clearly makes the point that it is much more difficult to export the core beliefs of a civilization than it is to export material products. Although his description of the "distinctive character of Western Civilization" is true, it doesn't really get to the core of what that distinctive character is. It's reasonable for Christians to assume that the core must necessarily be some aspect of Christendom. What he called "Classical Civilization" (which ended after Universal Empire under the Romans) ended like all the other civilizations. According to Quigley, Western Civilization began as a "mixture" of influences in 350-700 A.D., then entered a period of "gestation" in 700-970. Primary within this mixture of influences were Classical influences, Christian influences, and barbarian influences. Of these three, Christianity is the only influence that could make Western Civilization somehow procure a *civilization-revitalizing trait*. Because Reformed theology has a fundamental commitment to *sola Scriptura*, it's perfectly rational within the context of this version of the Reformed hermeneutic to conclude that that *revitalizing trait* must be represented within the Bible. So that *revitalizing trait* must be described at least in part within reliable Reformed systematic theologies. Reason demands that that *revitalizing trait* must consist in a greater degree of conformity to natural law, as a civilization, than other civilizations. As far as this **exegesis** is concerned, there are also probably elements of this *revitalizing trait* that manifest in Bible-based human law. All these factors lead to the conclusion that this *revitalizing trait* must somehow influence people within the sphere of Western Civilization to do two things: (i)for the sake of the *imago Dei*, to proscribe damage by people to other people, in keeping with the *negative-duty clause*; and (ii)for the sake of enforcing that proscription, to actually set up social structures and mechanisms by which to enforce against such damage, in keeping with the *positive-duty clause*.

The *negative-duty clause* naturally tends to establish a common moral code, based on the *imago Dei*, which discourages people from damaging other people. This common recognition that all people have the *imago Dei* tends to establish Western Civilization's "humanitarian elements", its esteem for "the rights of individuals", and its "respect for women". On the other hand, although these traits have certainly impacted the development of Western jurisprudence and human law, the fundamental mechanism by which the *positive-duty clause* has been implemented has been by way of a face-value interpretation of Romans 13:1-7. In other words, it's been commonly assumed throughout the history of Western Civilization that "governing authorities" have been ordained by God to be brutal whenever they deem it necessary, to whomever they deem it necessary. So within Western Civilization, there has been a propensity to enforce the *positive duty* by way of a mechanism that allows "governing authorities" to perpetrate *delicts* whenever they deem it necessary. That obviously is a license to governors to violate the *negative duty*. So within Western

Civilization, there has obviously been a tension between statism and the rights of individuals. So it could be reasonable to claim that there has been a propensity towards *dynamic equilibrium* between these two principles, or forces, throughout the history of Western Civilization. Whenever statism becomes dominant, as in the Age of Conflict's imperialistic wars, somewhere and somehow within the core area, a semi-peripheral area, or a peripheral area, people assert the rights of individuals as a remedy for excessive and brutal authoritarianism (statism), and out of that assertion innovation and creativity arise. Out of just such innovation and creativity, a new organization of society that circumvents the old vested interests of the status quo, has arisen repeatedly to keep the civilization from going into ultimate decline. Out of just such innovation and creativity, the "scientific outlook" developed.

To make sure that people don't misconstrue what's meant here by *dynamic equilibrium*, it's important to emphasize that this phrase should not be understood as having any formal or technical definition here. Rather, it should be understood as merely being an equilibrium that happens to be dynamic, in accordance with the following vernacular definitions:

> *equilibrium* — "A condition in which all acting influences are canceled by others, resulting in a stable, balanced or unchanging system."[1]
>
> *dynamic* — "vigorously active or forceful; energetic."[2]

So *dynamic equilibrium* merely refers to Western Civilization as being characterized by ***a vigorously active, forceful, or energetic condition in which all active influences cancel each other, resulting in a stable, balanced, or unchanging system***. Because Western Civilization has been changing almost constantly for a long time, this characterization demands some explanation. — When one spins a top, the top spins on its pointed end until friction slows the spinning down to the point at which the top falls over on its side and stops spinning. Likewise, when one rides a bicycle, as long as the bike is moving fast enough it doesn't tend to fall over the way it tends to fall over when not moving forward. So when the bike is moving forward, it's in equilibrium, and because it's in motion, it's dynamic. The same basic phenomenon exists in a gyroscope. Each of these is an example of a *dynamic equilibrium*. But of course each of these *dynamic equilibria* go out of equilibrium whenever friction slows the top and the gyroscope, or whenever the bike peddler stops peddling and the bike thereby becomes laterally unstable. In each of these

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1 **American Heritage Dictionary**. — URL: http://www.thefreedictionary.com/equilibrium, retrieved 19 December 2016.

2 **Random House Kernerman Webster's College Dictionary**, 2010, K Dictionaries Ltd. — URL: http://www.thefreedictionary.com/dynamic, retrieved 19 December 2016.

there are multiple forces at work, such as torque, centrifugal force, gravity, and friction. When the top is spinning upright on its pointy end, these forces are in *dynamic equilibrium* to allow that phenomenon. The situation is similar with a bicycle and a gyroscope. As long as the forces, "acting influences", are canceling and counterbalancing one another, the top continues dynamically on its pointy end, the bicycle continues to have lateral stability as it moves forward, and the gyroscope continues its mysterious behavior. But when the forces at work in each phenomenon cease to cancel or counterbalance one another, the phenomenon stops because it ceases to be in *dynamic equilibrium*. — Such examples from classical physics are good examples of how a system can go into *dynamic equilibrium*. They are apt analogies for what has been happening in Western Civilization. Focusing strictly on economics, one could say an economy is in *dynamic equilibrium* when the forces of supply and demand are canceling one another. But economics is inadequate to describe all the forces at work in a society. Law, especially the four-fold kinds of law identified by Aquinas, has a greater capacity to make such a description.

For most of the other civilizations, *dynamic equilibrium* ended whenever the first Age of Conflict transitioned into the Age of Universal Empire, if such equilibrium ever existed at all. By using a spinning top as an analog for one of these non-exceptional civilizations, one can make a more accurate description of how this happens. Using a top as an analogy, one could say that when the civilization transitioned from an Age of Expansion to an Age of Conflict, like the top, it started going into precession. In other words, the top went from spinning on a purely vertical axis to spinning on a wobbly vertical axis. So at the transition from the Age of Expansion to the Age of Conflict, the top starts getting wobbly due to a decrease in the speed at which it spins, where such a decrease in angular momentum is the result of friction. Likewise, the tensions and class conflict, imperialistic wars, and increased irrationality combine to cause a declining rate of expansion. The top starts slowing down, starts becoming wobbly, and starts showing vulnerability to falling over. When the Age of Universal Empire starts at the end of the Age of Conflict, a single political unit is attempting to force the civilization to continue in *dynamic equilibrium*, to continue its vertical spinning, no doubt for the sake of vested interests. But there are forces at work to thwart the force of this political unit. The top eventually falls over and stops spinning entirely. It completely ceases to be in such *dynamic equilibrium*. Upon entry into the Age of Universal Empire, the civilization has entered into the same process of terminating the *dynamic equilibrium*.

Applying the same analogy to Western Civilization, the constellation of forces that have counter-balanced one another and thereby allowed the civilization to enter into *dynamic equilibrium* are present, just as they are probably present to some

extent in the non-exceptional civilizations. But there is some *revitalizing factor* that keeps the top from falling over, even though it certainly goes into precession at the interface between the Age of Expansion and the Age of Conflict. In other words, in the case of Western Civilization, there must be some force at work that tends to cause the equilibrium to continue beyond the point at which the other civilizations go ultimately wobbly, where that force is not at work in the non-exceptional civilizations. Or perhaps the *revitalizing force* is operating in those other civilizations, but not enough. Western Civilization may become extremely wobbly, but in each Age of Conflict thus far, this *revitalizing force*, whatever it is, has caused it to recover, keep spinning, and remain in *dynamic equilibrium*. Obviously the big question is, What exactly is this *revitalizing force* that allows Western Civilization to continue in this *dynamic equilibrium*? As already indicated, Quigley thinks this "distinctive character" is Western Civilization's "Christian heritage, its scientific outlook, its humanitarian elements, and its distinctive point of view in regard to the rights of the individual and respect for women". Given that this description is coming from a secular historian, this sounds like mostly an appeal to secular humanism. Given that secular humanism can be atheistic and God-less, there's no real room for it in genuine biblical hermeneutics. So these characteristics cited by Quigley look like more good ideas out of Godly context. Good ideas out of Godly context identify the idolatrous syndrome that facilitated the degradation of Babel's *dynamic equilibrium* in the first place. If good ideas out of Godly context were not sufficient to keep the Babel society together, why should anyone think they're good enough to keep Western Civilization in *dynamic equilibrium*? There aren't any good reasons to think that. So Quigley's explanation for why Western Civilization is special, although it is aimed generally in the right direction, is still too far off the mark to be reliable. Even so, it's better than claiming that Western Civilization survives because Western Civilization is God's "chosen people", or for some other equally chauvinistic reason. All such chauvinism violates the biblical fact that God is no respecter of persons (Deuteronomy 1:17; 10:17; Acts 10:34; 2Chronicles 19:7; Job 34:19). If He's no respecter of persons, why should He be a respecter of civilizations?

The question to Western Civilization in the 21st century is the same question it has faced in every Age of Conflict: Has Western Civilization reached the age of its demise? Has Western Civilization reached the time at which it, like the other civilizations, will stop spinning like a top, fall over like an inadequately peddled bicycle, or spin down like a gyroscope subjected to friction? The answer to these questions depends entirely upon the nature of this *revitalizing factor*, where the *revitalizing factor* is a secondary cause in the unfolding of God's plans for humanity. Every Bible-believing Christian knows that this *revitalizing factor* must relate directly to this civilization's core beliefs, where those core beliefs are embedded

in Bible-based Christianity. Because Quigley was a secular historian, he was not interested in Western Civilization's core beliefs enough to approach them as a function of the Bible, and as a function of Christian systematic theology. But the Bible and theology that arises directly therefrom contain the core beliefs of Western Civilization far more than Classical influences, barbarian influences, or influences from relics from any other civilization or society. This is obvious not for chauvinistic reasons, but because of all that's been covered so far in this exposition. While Quigley thinks the "distinctive character" of Western Civilization is its "Christian heritage, its scientific outlook, its humanitarian elements, and its distinctive point of view in regard to the rights of the individual and respect for women", this Bible exposition claims that each of these characteristics is a function of two more fundamental, rationally connected ideas: (i)the existence of God, and (ii)the fact that all people are created in the image of God. These two ideas relate to Quigley's characterization of Western Civilization's core beliefs like this: The "rights of the individual", "respect for women", and "humanitarian elements" arise directly out of this God / image-of-God complex. Because everyone has the *imago Dei*, everyone has natural rights, thus the "rights of the individual". Because every woman is an individual human, every woman also has natural rights, thus "respect for women". Because every human has needs that are functions of having the *imago Dei*, the same complex thus covers "humanitarian elements". If one were committed to eliminating Bible-based Christianity from Western thought, as secular humanists generally are, then one would sever the linkages of these distinctive characteristics to the *imago Dei*, and one would simultaneously pretend that the *imago Dei* doesn't exist and is irrelevant. Likewise, if one were committed to eliminating Bible-based Christianity from Christian thought, as nominally "Christian" humanists generally are, then one would sever the linkages of these characteristics of the *imago Dei* from God. But all such severing is essentially an effort by anti-Christians at replacing the core beliefs of Western Civilization with warped and defective replicas thereof. This is as true of the "scientific outlook" as it is of these other, more obviously humanistic elements.

Science, as an enterprise, is essentially a process of observing phenomena in the **physical** field of perception and action, inducing hypotheses about the secondary causes at work in such phenomena, and concocting tests by which such hypotheses can be proved or disproved. This can be understood to be a short description of the "scientific outlook". There has never been any honest doubt that this outlook has developed in Western Civilization as a product of its creativity and innovation. On the other hand, secularists, for centuries, have been trying to sever this scientific outlook from its roots in Christendom. This has been increasingly disastrous because it is in fact a severing of science from morality. Such severing has facilitated the use of the products of science for immoral purposes. In fact scientism, a belief system that

attempts to exalt science to the exclusion of God, is incapable of rationally producing a morality that protects humans from abuse by other humans. On the contrary, thoroughgoing application of concepts like "natural selection" and "survival of the fittest" lead naturally to eugenics, which is the division of the human race into two classes: (i)a class of breeders and cullers of humans, and (ii)a class of humans who are essentially livestock for the breeder class.

The bottom line is that severing the "distinctive character" of Western Civilization from its core ideas in Bible-based theology is essentially a prescription for Western Civilization's demise. The core ideas are the existence of God and every human being's possession of the *imago Dei*. All genuinely Christian doctrines, including the doctrine of the Trinity, doctrines pertaining to Scripture and revelation, doctrines that pertain to the biblical covenants, doctrines of the communicable and incommunicable attributes of God, doctrines regarding Christ and the atonement, doctrines of sin and salvation, doctrines regarding predestination, *etc.*, *etc.*, *etc.*, can all be understood to be rationally dependent upon these two fundamental doctrines.[1] So it's reasonable to surmise that this *revitalization factor* must also be rationally dependent upon these two fundamental ideas. So this *revitalization factor* must be far more grounded in this civilization's foundational religion than in economic factors like supply and demand, or in human-law factors like the *negative-duty clause*, the *positive-duty clause*, or counterbalancing statism and natural rights. The *revitalization factor* must be grounded in such claims as the one Jesus made, that His Church is built on the fact that He is humanity's Savior, "and on this rock I will build my church, and the gates of hell shall not prevail against it" (Matthew 16:18; **ESV**). Certainly, to people outside the domain of the invisible Church, such a claim looks like so much unsupported dogma. For people inside that domain, it's more than adequately supported by the Bible's rational integrity. For the vast number of people who are uninformed, unsure, and make no claim to being either assuredly in or assuredly out of the Christian domain, it should be helpful to show how these primary core ideas are supported by secondary causes, even from subordinate fields like physics, economics, and human law.

Given that it's foundational and understood as established beyond any reasonable doubt, that God / the image of God, and all the rational dependencies thereof that

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1 Such a claim to rational dependence should not be taken as a claim that all these doctrines can be rationally deduced from the existence of God and every human's possession of the *imago Dei*, and from these two things alone. Although these doctrines cannot exist in their reliably Reformed and orthodox condition without these two overriding concepts, these doctrines could really not exist meaningfully without special revelation.

have been long established doctrines of Reformed theology, are valid and true aspects of the *revitalization factor*, it's possible to consider the proximate influences on a civilization's equilibrium, of the tension between "governing authorities" and people created in the image of God. In doing so, it's necessary to recognize that this tension has historically existed in Western Civilization as a tension between statism and the rights of individuals. As already stated, "governing authorities" have been historically understood as being functions of vernacular readings of Romans 13:1-7, rather than of the natural-rights polity as herein expounded. So it's reasonable to understand this tension, historically, as being between statism and the rights of individuals, rather than as being between "governing authorities" and the rights of individuals. It's also reasonable to understand these as forces rather than merely as principles. Because God / image of God is fundamental, the tension between "governing authorities" and natural rights is a fundamental candidate, proximately, for explaining what the *revitalizing force* is. If this tension really doesn't exist because natural rights are almost totally neglected, then there's little or no chance that the *dynamic equilibrium* can be maintained. This should be understood to be why the eighteen non-exceptional civilizations did not survive their first Age of Conflict. On the other hand, the fact that the tension in Western Civilization has been between statism and natural rights, rather than between "governing authorities" (as defined by the natural-rights polity) and natural rights explains why the *dynamic equilibrium* in Western Civilization has been so precarious and wobbly, even though Western Civilization continues.

In summary, the survival of civilization depends upon maintenance of *dynamic equilibrium* between forces of and beliefs in: God / *imago Dei* (realm of natural law); "governing authorities" / natural rights (realm of human law); statism / natural rights (historical human law); supply / demand (economics); creativity and innovation / imperialistic wars (historical economics); *etc.* Authoritarian oppression by vested interests has certainly existed in Western Civilization, and such authoritarian oppression has certainly acted as friction on this *dynamic equilibrium*, especially during Ages of Conflict. But proscription of damage (based on natural rights) in tension with authoritarian oppression, has allowed a degree of individual freedom to exist in Western Civilization that has allowed creativity and innovation, to a degree that has not been extant in other civilizations over the long haul. In the non-exceptional civilizations, authoritarian oppression during an Age of Conflict has caused the bicycle peddler's peddling to slow down so much that the bike falls over. In contrast, in spite of the authoritarian oppression, in Western Civilization, the peddler has certainly slowed down during Ages of Conflict, but not to the point of falling over. Western Civilization has certainly been exceptional. This exceptionalism

should be attributed to this *dynamic equilibrium* between governmental force and natural rights, at least as a proximate, secondary cause.

The reason *dynamic equilibrium* has NOT been the rule in the non-exceptional civilizations is NOT because the statism force has been weak there, relative to the force of individual natural rights. In fact, all the civilizations outside of Christendom have tended to brutality. When the mother of the sons of Zebedee asked Jesus for special favors for her two sons, the other ten Apostles were indignant (Matthew 20:20-28). In response, Jesus told them,

> "You know that the rulers of the Gentiles lord it over them, and their great ones exercise authority over them. It shall not be so among you. But whoever would be great among you must be your servant, and whoever would be first among you must be your slave, even as the Son of Man came not to be served but to serve, and to give his life as a ransom for many."
>
> (Matthew 20:25b-28; **ESV**)

This exaltation of servanthood defines precisely the attitude necessary for active agents within *jural societies* and *ecclesiastical societies*. This exaltation of servanthood generally did not exist significantly within these eighteen civilizations, at least in regard to governmental issues. It's certainly true that each of these civilizations has had other good attributes, as attested by Geerhardus Vos: "Under the providence of God each race or nation has a positive purpose to serve, fulfillment of which depends on relative seclusion from others."[1] As Vos understands, God has some "positive purpose" for every clan or nation. In the same way that God chose only one specific clan / nation, specifically, the Jews by way of Israel, to be the vehicle through which the Savior of humanity would manifest, He has chosen Christendom to continue this manifestation to the ends of the earth, and to every nation. This latter process includes manifestation of the terms by which humanity is to genuinely take dominion over the earth, *i.e.*, over the natural law. This latter process requires millennia of work on the interface between natural law and human law. This statement by Jesus also indicates that the propensity to statism certainly DOES exist within these eighteen civilizations. So there's really very little chance that these eighteen civilizations could ever have this *dynamic equilibrium* between the forces of statism and the forces of individual rights, given that servanthood and a propensity to protect individual rights do not temper statism. The existence of both of these forces within Christendom is more or less concrete evidence for the existence of this *dynamic equilibrium* within Western Civilization. These two things therefore comprise proximate evidence for supporting the claim that there is a unique

1 Vos, p. 60.

revitalizing trait within Western Civilization. Less proximate but still nevertheless admissible evidence exists in the claim that any civilization that re-enters an Age of Expansion after an Age of Conflict must be thereby exhibiting greater conformity to natural law than civilizations that do not show this knack for revitalization. This generally greater conformity to natural law by Western Civilization as a whole, by way of a general commitment to Christian morals, even including a somewhat intuitive commitment to protection of individual rights, allows innovation in an Age of Conflict. Innovation allows circumvention of the Universal Empire syndrome and reassertion of an Age of Expansion. Such innovation is the reason Western Civilization has continued to expand instead of going into the terminal stages of civilization demise. And freedom to innovate doesn't generally exist when people are so oppressed that innovation is inhibited.

Quigley indicates that towards the end of the 19th century, the "Third Expansion" started coming to an end when a new Age of Conflict started. He indicates that one of the characteristics of this transition from expansion to conflict was the mutation of industrial capitalism into monopoly capitalism. Monopoly capitalism had been misidentified earlier by Karl Marx as the sure end of capitalism in general. Marx's delusional ideology became so powerful that it even took over the other existing civilization that Quigley marks as unique. Quigley identifies "Orthodox" Civilization as the "half-brother" of Western Civilization. Before the advent of the Soviet Union, it was obviously the eastern part of classical Christendom. Before the Soviet Union, Orthodox Civilization had gone through its first Age of Expansion during 1500-1900. It went through its first Age of Conflict in 1900-1920. Quigley claims that it entered an Age of Expansion in 1921, and that that Age of Expansion was still going on when **Tragedy and Hope** was published in 1966. But history since 1966 proves that the materialistic atheism of the Soviet Union only existed among that system's oligarchy. What existed in fact is aptly called "state capitalism". By ridding itself of the communist façade, Orthodox Civilization has largely returned to its roots in Christian ideology. Whether it's now in an Age of Conflict or in an Age of Expansion is difficult to say with certainty. The Soviet era was essentially an age in which vested interests were attempting to strangle capitalism itself, at least nominally. That is inherently and by definition a dysfunctional economic system. Contrary to Quigley's claim, that may have been more an Age of Conflict than an Age of Expansion. Regardless of whether that was an Age of Expansion or an Age of Conflict, as long as Orthodox Civilization prizes the *dynamic equilibrium* between "governing authorities" and the individual's natural rights, it will not become defunct.

Even if much of what Quigley claims about civilization life cycles and dates for expansion and conflict is incorrect, it should be obvious to every intelligent and educated observer that Christendom has generated unique civilizations. It should also be obvious to anyone following this exposition that this uniqueness is based proximately on the partial implementation of the *imago Dei* principle as human law, including on this principle being fundamental to the definition of "governing authorities". But it's also crucial to recognize that the proscription of damage that naturally accompanies the *imago Dei* principle has been heavily influenced by a contradictory principle. The contradictory principle is that principle that arises rationally out of the face-value comprehension of Romans 13:1-7. This face-value principle is that God has ordained "governing authorities", and governing authorities must therefore be obeyed. — When impeccable reason is applied to false premises, the conclusion will always be false. This chronological **exegesis** has been undertaken to prove, among other things, that within the context of the Reformed hermeneutic, this face-value principle is most certainly a false premise that leads rationally to false conclusions. The false conclusion is the following claim: When "governing authorities" initiate damage to people who have not explicitly harmed anyone, then the "governing authorities" are right, good, and correct in perpetrating such damage because such damage, like the "governing authorities" themselves, have been ordained by God. As has already been argued above, this is not a valid line of reasoning. But the invalid reasoning doesn't exist in the logic that goes from premise to conclusion. The invalid reasoning exists in the premise itself. The invalid reasoning exists in the conflation of God's **decretive will** and God's **preceptive will**. — Although this should have been obvious to any theologian in history who has used the Reformed hermeneutic, and probably has been to many, it's also obvious that Paul is saying something emphatic in Romans 13:1-7 that no real Bible-believer can simply ignore. So if the Bible reader cannot expound an alternative interpretation to this conflation interpretation, then the Bible reader has no alternative but to accept the face-value interpretation. In fact, because the jurisprudential genre itself was not mature enough to allow thoroughgoing comprehension of the Romans 13 passage through terms of art, even the best Reformed theologians of past centuries have had no real alternative to the face-value interpretation, and have used other passages of Scripture to circumvent the clearly irrational conclusions that result from this contradictory principle.

It's necessary to conclude that throughout the history of Western Civilization, as dated by Quigley, there has been irrationality inherent between Western Civilization's conception of the *imago Dei* principle, on one hand, and Western Civilization's fundamental conception of the purposes and functions of secular government, on the other. The rhetorical foundation for this irrationality has been located in the rulers'

license via the face-value Romans 13 principle. So throughout most of Western Civilization's history, the purposes and functions of secular government have been conceived as the lawful domain of the state, while the *imago Dei* principle has been conceived as a function of the Church. So it has generally been assumed that these two principles, natural rights versus principles and powers of the state, must be kept in tension within every Christian society, because these two principles cannot be rationally reconciled, but can only be roughly and generally balanced, at best. But the jurisprudential genre has matured to the point that statism should be known as a perversion of the "governing authorities" / natural rights *dynamic equilibrium*. Because statism inherently defines "governing authorities" as having the right to damage individuals with impunity, in violation of the individuals' natural rights, it's now crucial to have governing authorities who do not operate under such pretense. So statism and its misbegotten presumption need to be left on the dung heap of history. But the *dynamic equilibrium* between "governing authorities", as defined within the context of the natural-rights polity, and the individual's natural rights, must continue. But continued attachment to statism is inherently destructive, as should be evident to anyone who also understands the mass democide of the last century. But speaking of the mass democide of the last century indicates that this shift forward of the focus of the jurisdiction-based, abstract timeline has exceeded its target.

Sub-Chapter 2:
Hermeneutics and Natural Law

It's necessary to compare and contrast natural law and natural rights as they're defined by *de facto international law* with natural law and natural rights as they're defined by way of this version of the Reformed hermeneutic. But before that, it's necessary to compare and contrast hermeneutics that have been at least implicitly foundational to *de facto international law* with this version of the Reformed hermeneutic.

(i) Background

Regardless of whether the 17th century was an Age of Expansion or an Age of Conflict in Western Civilization, that century produced profound changes in human law, and those changes promised to yield profound changes in social organization. Along with Hugo Grotius' predecessors in the field of *international law*, Francisco de Vitoria and Alberico Gentili, Grotius helped to lay the field's intellectual foundations. Various schools have referred to each as "the father of international law". Grotius contributed to this field of jurisprudence by formulating a vision of an international

society of states governed by mutual agreements and laws, rather than by warfare and force. Grotius' vision of an international society of states could either be a vision of the ultimate global empire, pushed by the same old Babel compulsion towards unification based on group-think and the drive to make a name for self, or it could be a vision of a practical mechanism by which humanity could move gradually and carefully closer to the New Jerusalem. As the reader should expect by now, whether it's the one or the other depends (within the realm of secondary causes) upon the degree to which the vision conforms to the natural-rights polity.

From Western Civilization's beginning through the 17th century, it has been standard practice for the visible Church to convene councils and synods whenever controversial teachings have arisen within Western Christendom. The purpose of the councils has been to ascertain whether the new teachings are heretical or not. In many respects, these councils have been extremely helpful in establishing what are, in fact, sound biblical doctrines, versus what are not. Even though this is true, and even though many, if not most, of these councils have made profound contributions to Christendom, for every council, including for even the best councils, after the council's conclusion the delegates have faced a profound legal problem. The legal problem can be stated succinctly as a question: How do the delegates intend to enforce the findings of the council? Throughout most of the history of Western Civilization, the answer to this problem has been fairly simple, because Christianity has been the established religion. The council's decision would be enforced through the power of the state. People who refused to comply would face the wrath of "governing authorities".

If the history of these councils and synods is understood within the context of the natural-rights polity, then it's obvious that if a delegate had represented a lawful *religious social compact*, then that delegate would have worked with those party to that compactual agreement to use force, as necessary, and as in accordance with the terms of their agreement, to enforce the findings of the given council or synod within the jurisdiction of that *religious social compact*. On the other hand, throughout the history of Western Civilization, lawful *religious social compacts* have not existed. On the contrary, jurisdictional dysfunction has been the rule. Entire societies and nations within Western Civilization have been jurisdictionally dysfunctional throughout this civilization's history. So even when the findings of a council or synod have been profoundly correct, Bible-affirming, and God glorifying, the methods of enforcement of those findings have tended to be jurisdictionally dysfunctional. — These claims about synods and councils are especially pertinent to the life and work of the most prominent "father of international law".

Background

Hugo Grotius was born in Delft, Holland, in 1583, during the Dutch Revolt, also known as the Eighty Years' War, which was between Spain and seventeen primarily Protestant provinces of the Netherlands. Grotius was being employed by Dutch statesman, Johan van Oldenbarnevelt, as Advocate General of Holland and Zeeland, when theologian Jacobus Arminius died in 1609. Essentially, Oldenbarnevelt had been indirectly responsible for hiring and firing theology professors at Leiden University, including Arminius. Prior to Arminius' death, a heated theological controversy arose between Arminius (and his followers, known as Arminians, a.k.a. Remonstrants) and the strictly Calvinistic theologian Franciscus Gomarus (and his followers, known as Gomarists, a.k.a. Counter-Remonstrants). As a result, Gomarists staunchly criticized Oldenbarnevelt for hiring and not firing Arminius. When Arminius died, Oldenbarnevelt doubled down on his commitment to Arminianism by hiring Remonstrant theologian Conrad Vorstius to replace Arminius. In 1610, Remonstrants presented a five-point remonstrance to the States of Holland and Friesland, objecting to the strongly Calvinistic, state-endorsed, Belgic Confession and Heidelberg Catechism. The Remonstrants claimed that secular authorities had the right and duty to interfere in theological disputes; so they were adamant that the state intervene. In 1611, Gomarists were accusing Vorstius of being entirely heretical, and Gomarus resigned his professorship in protest against Vorstius' employment. To defend his Arminian inclinations, Oldenbarnevelt asked Grotius to write a polemic against the Counter-Remonstrants. In the meantime, Vorstius was forced to leave the university in 1611. Grotius published the *Ordinum pietas* ("The Piety of the States of Holland and Westfriesland") in 1613. The Counter-Remonstrants apparently viewed this short book as "polemical and acrimonius", and they responded in kind. In short, between 1610 and the end of the Synod of Dort in 1619, Grotius wrote extensively on theological issues relating to the Five Points of Calvinism and Christian soteriology in general, as well as on issues specifically pertaining to the Church-state controversy and Bible-based polity in general. For this reason, and also because his writings on *international law* are replete with Bible citations, it's reasonable to make some attempt at discerning what kind of hermeneutic Grotius used in writing about *international law*. It's also reasonable to try to discern Grotius' conception of natural law, as it appears in his writings on *international law*.

Within a few days of the Synod of Dort's conclusion, a special court sentenced Oldenbarnevelt to die for treason against Church and state, and he was beheaded the next day. Grotius was sentenced to life in prison for similar reasons. In 1621, the same year the Twelve Years' Truce in the Eighty Years' War ended, and three years after the Thirty Years' War began, Grotius escaped from prison with the help of his

wife, and ran to France. While in France, he published his most famous work on *international law*, **On the Law of War and Peace**.[1]

People who are careful to use the Reformed hermeneutic generally agree with the Canons of Dort that came out of the Synod of Dort, simply because they so obviously conform to Scripture, while Arminianism doesn't so thoroughly conform, even though it may pick at words well. The same way heresies generally demand that Christians clarify their beliefs, which is why synods and councils are valuable, Arminianism challenged Calvinism, and the resulting Five Points of Calvinism are a major contribution to rightly discerned Christian soteriology. But the jurisdictional dysfunction associated with the Synod of Dort, Church-state jurisdictional dysfunction generally, and the popularization of Grotius' conception of *international law*, have all led to the massive domination of Arminianism over Calvinism in American Protestantism, in spite of Calvinism's soteriological superiority. This claim is admittedly tangential to the central purpose of this **exegesis**, so this **exegesis** will not endeavor to prove it. The author merely submits it here for the reader's consideration. — Although the sentences on Oldenbarnevelt, Grotius, and the Remonstrants were clearly harsh from a modern American perspective, the remonstrances were generally viewed by people in the Dutch Republic as concession and appeasement to Roman Catholic Spain, the Netherlands' bitter enemy in the Eighty Years' War. Such theological error was generally viewed not only as heretical, but also as treasonous throughout western Europe in those days, largely because of the strong linkage between Church and state. Neither Grotius' legal philosophy nor the Peace of Westphalia that benefited so immensely from his philosophy, ridded Western Civilization of the jurisdictional dysfunction embodied in that linkage between Church and state. But they certainly did lay a foundation for a different kind of social organization than the one that had existed previously.

While no one should doubt that Hugo Grotius was a genius, there are nevertheless good reasons to believe that his hermeneutics had serious defects. Although his Bible scholarship was far more astute than the hypothetical Hinduist that appears in the opening paragraphs of this booklet, his use of the Scriptures in regard to *international law* is still a long way away from the Reformed hermeneutic, especially from this work's rendition of it. The juxtaposition of the fact that Calvinism is so obviously consistent with Scripture relative to Arminianism, on one hand, and the fact that Arminianism is so vastly superior to Calvinism in popularity, on the other, demands some explanation. But such an explanation is outside the scope of this **exegesis**. Nevertheless, by examining Grotius' hermeneutics in expounding

1 Hugo Grotius, *De jure belli ac pacis libre tres* (**On the Law of War and Peace: Three Books**), 1625.

international law, and his conception of natural law, this work should be able to at least point in the direction of a reliable explanation.

The Edict of Thessalonica (380 A.D.) made Nicene Christianity the state religion of the Roman Empire.[1] From that time forward in Western Civilization, up to the time of the Protestant Reformation in the 16th century, there was an uneasy tension between Church and state in Western Civilization, as is evident in the description above of the *dynamic equilibrium*. After the Roman Empire collapsed in the 5th century, there was no secular government in Western Civilization that could exercise secular power over the entire area. But this Nicene Christianity embodied in the Roman Catholic Church became increasingly able to exercise religious power over the entire area. The "governing authorities" within the secular arena were certainly not always obedient to the clergy. But the status quo was that secular rulers tended to be subject to the leadership of the institutional Church. If it's admitted that civilizations are segmented into a fairly predictable set of classes, namely, a ruling class, a propagandizing class, a brutalizing class, a slave class, and a usually small class of people who don't fall neatly into any of these classes, then it's true that in feudal Western Civilization, (i)the ruling class was composed of the upper hierarchy of the Roman Catholic Church; (ii)the propagandizing class was composed of lower-level clergy; (iii)the brutalizing class was composed of local state actors; (iv)the slave class was composed of serfs who lived their lives out on feudal manors, the same way American slaves generally lived their lives out on southern plantations; and (v)the none-of-the-above class was the class that would eventually become traders, small-business people, and entrepreneurs. In many respects, from Western Civilization's beginning until the Reformation in the 16th century, the Pope was an absolute monarch and the local monarchs and aristocrats were his vassals. This absolute power was exercised primarily through the powers of the propagandizing class, by way of two facts: (i)the fact that polyglot Europe was united by the lingua franca of the Roman Catholic Church, Latin, spoken primarily by Church insiders and intellectuals; and (ii)the fact that the propagandizing class was much more likely to have knowledge of the Scriptures, and that knowledge was prized by everyone who claimed to be Christian. So the dominant morality of the time put pressure on the brutalizing class to conform to Christian morality.

This social organization started breaking down on a number of different fronts in the 12th through 14th centuries. When the Roman Catholic hierarchy adopted

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1 "Nicene Christianity" indicates Christianity dedicated to the Nicene Creed. — The Edict of Thessalonica was preceded by the Edict of Toleration (311 A.D.) and the Edict of Milan (313 A.D.). These two prior edicts attempted (i)to make Christianity legal and (ii)to restore to Christianity a position before the state of neither being favored nor disfavored.

a soteriology that was so obviously forged at radical departure from the soteriology that's plainly in Scripture, they set themselves up for trouble.[1] The trouble came from Bible scholars like Wycliffe, Huss, and Luther, among others, who realized that the ruling class soteriology was so obviously at odds with biblical fact. This realization, along with the hierarchy's intransigence, was the basis for the Reformation. The Reformation started when Martin Luther nailed the Ninety-five Theses on the church door at Wittenberg. Among other things, this led to religious wars that did not end until the Peace of Westphalia, well over a hundred years later. In all the time prior to the Reformation, to whatever extent the clergy and the upper tier of the Roman Catholic Church conformed to reliable Bible interpretation, they were genuine exponents of the gospel, and propagandists in a plainly good sense of that word. To the extent that they did not conform to reliable Bible interpretation, they were propagandists in the rather pejorative sense of that word. From the perspective of the hermeneutics being expounded herein, they were seriously at odds with reliable Bible interpretation on two fronts: (i)in regard to the aforementioned soteriology, and (ii)in regard to the standard face-value interpretation of Romans 13 passages. So on these two fronts, the Roman Catholic Church was promoting evil, but it was evil that would be used by God. When Joseph's brothers sold him into slavery, what they did was clearly evil. But God used it for a good purpose (Genesis 50:20). In this way, throughout Christendom's history, God has used evil for good purposes, even though it's still nevertheless true that it's inherently evil to call evil good, and good evil.

The soteriological front has been more than adequately treated by Reformed theology over the last several centuries. But the face-value-interpretation-of-Romans-13-passages front has never been adequately addressed by anyone up to the present time. One way to look at the latter class of misinterpretation is by looking at the way that Western Christendom's social organization has changed, from the perspective of the natural-rights polity. When Western Christendom adopted the Edict of Thessalonica, thereby making Nicene Christianity the state religion, it essentially committed itself to treat all of Western Civilization as a single *religious social compact*. The edict was essentially a commitment by the ruling class to subject all people (whether they liked it or not) within their claimed geographical jurisdiction to whatever human laws the ruling class believed accorded with a biblical prescription of human law. This was essentially the establishment of Nicene Christianity as the state religion throughout Western Christendom. To a large extent, the local vassals in the brutalizing class enforced this state religion at the local level up to the time of the

1 This happened at the 4th Lateran Council (1215), where Christian salvation was linked to sacerdotalism.

Reformation. At least they did this within the realm of their official duties, with the qualification that, in Luther's words, they were "God's jailers and hangmen" and were "the greatest fools or the worst criminals on earth".[1] When the Reformation started, there were generally movements of people within every local jurisdiction away from the established religion. Some states changed their established religion and broke with Rome, and some didn't. But regardless of whether they broke or not, among people within the Magisterial Reformation, there was practically no movement away from the practice of having an established religion. Followers of the Magisterial Reformers (Luther, Calvin, Zwingli, *etc.*) believed in the interdependence of Church and state, and they made alliances with local magistrates, including princes, city governments, *etc.* People within the Radical Reformation (Anabaptists, Moravians, Pietists, *etc.*) generally tried to form communities outside the state religion, rather than to make alliances with local magistrates.[2] The religious wars between the start of the Reformation and the Peace of Westphalia were fought almost entirely between Roman Catholics and various factions within the Magisterial Reformation.[3] Generally, the Peace of Westphalia designed a way to keep the peace between these two groups, even while each nation-state within each of these two groups would continue to have its own established religion.

Regardless of whether the established religion was Roman Catholicism, some kind of Protestantism, or some other kind of Christianity, the adoption of Christianity as a state religion had numerous problems that arose logically out of this kind of establishment. These problems included the following: (i)The hermeneutic of the established religion didn't readily recognize the distinction between the Bible's global prescription of secular human law and the Bible's local prescription of religious human law. (ii)To whatever extent people had not consented to abide by religious law (meaning any kind of law other than the Bible's global prescription of secular human law), the state's "governing authorities" lacked lawful *in personam* jurisdiction, even though they certainly had *de facto in personam* jurisdiction. (iii)

1 Martin Luther, "On Secular Authority". — URL: https://www.tapestryofgrace.com/year2/corrections/pdcs/Govt2-16 (On Secular Authority).pdf, retrieved 17 March 2017.

2 In the process, these factions within the Radical Reformation also tended to reject the councils and creeds, including the Nicene Creed. To this day, these groups do not generally use the Reformed hermeneutic.

3 One major exception to this generalization is the fact that Roman Catholic France fought on the predominantly Protestant side in the Thirty Years' War, for purely political reasons. Another exception is the violent conflicts between elements in the early Radical Reformation and statists from both Roman Catholic and Magisterial-Reformation factions (*e.g.*, German Peasant's War, 1524-1525). Another exception is the English Civil War, fought between a largely Calvinistic Parliament and a largely Arminian monarchy.

The state's "governing authorities" certainly had subject-matter jurisdiction over violations of the global proscription of damage by human against human, regardless of whether the perpetrator cognitively consented or not, but they were utterly lacking in subject-matter jurisdiction over all *mala prohibita* to which the alleged perpetrator had not volunteered to conform, and over all *trespass*-free *mala in se* to which the alleged perpetrator had not volunteered to conform. — These limitations can be summarized by saying that these "governing authorities" had the duty under the *positive duty clause* to enforce *jural laws* wherever they saw them broken. That's because *jural laws* are globally prescribed human laws to which all humans have pre-cognitively consented. But all other human laws demand cognitive consent in order to be lawfully enforced. So the Edict of Thessalonica was practically as evil as Joseph's brothers selling him into slavery. So was its *de facto* continuation under the Peace of Westphalia (even though the Peace of Westphalia allowed nation-states to establish their favorite variety of Christianity). But it's equally true that God used this evil for good.

Even though this gross misinterpretation of these Romans 13 passages has been predominant throughout the two-thousand-year history of Christendom, through no fault of Christ, the Apostles, or the biblical authors, but due entirely to normal human fallibility, the natural-rights polity has been nourished and growing within Christendom at the same time. Even though the Reformation brought much greater clarity in the field of soteriology, it brought little improvement to the face-value-interpretation-of-Romans-13-passages front. Nevertheless, gradually and indirectly there have been improvements on this front. Because these improvements are still so far short of actually being the natural-rights polity, they are often difficult to recognize as improvements. Such improvements are often brought by Arminians like Grotius, by Anabaptists and other pietists, and by deists, atheists, heretics, and other radical deviants, and the improvements often look like regress instead of progress. In effect, Christendom has been somewhat bipolar because of its failure to rationally reconcile the functions generally ascribed to the statist sovereign with the natural rights of normal folk. Although Grotius is often lauded as "the father of international law", his work in the field of *international law* certainly did not manifest such rational reconciliation. On the other hand, although Reformed theologians can be credited with some advancements towards the natural-rights polity over the last several centuries, the same is true for Arminians and others. But none have manifested genuine rational reconciliation of the statist pole with the natural-rights pole.

Grotius' work in *international law* did not merely influence the Peace of Westphalia. Grotius' conception of natural law, which appears in **The Law of War**

and Peace, was adopted largely by people like Samuel Pufendorf, John Locke, and William Blackstone. Through these men, especially Locke and Blackstone, Grotius' conception of natural law was adopted into Anglo-American jurisprudence. Grotius' Arminianism thereby achieved a cloaked imprimatur from secular government, which, like the trickle-down effect from *international law* described above, influences the entire society through "domestic" laws.

Both Arminians and Calvinists build irrationality into their respective approaches to biblical law by failing to completely escape the face-value-interpretation-of-Romans-13-passages syndrome. But both have also been prone to ameliorate the problem inherent in these Romans 13 passages by relying upon other passages of Scripture that are inherently ameliorative.[1] But even though both Arminians and Calvinists ameliorate these Romans 13 passages, there has still nevertheless been a strong historical propensity to assume the existence of a peculiar class of people who are above normal human law, because they are the legislators, adjudicators, administrators, and enforcers of such law, and this assumption exists not only among both Calvinists and Arminians, but also among practically all other Christian sects.[2] This class of people who are supposedly above the law are the people who constitute the state. According to the face-value reading of such passages, these "rulers" are above the law while all normal folk are under the law, and are under the sovereign authority of such rulers, and are obligated to honor and obey this extraordinary class of people. — In modern times, and especially in nation-states that have an at least nominal commitment to the republican form of government, there is usually an at least nominal commitment to keeping this ruling class under the law, the same way everyone else is supposedly under the law. This is evident by the common maxim, "No one is above the law." In spite of how true that maxim may feel to people who say it, without rational reconciliation of "governing authorities" and natural rights, the claim that "no one is above the law" is essentially a law that cannot be properly enforced. Taking the analogy of faith as seriously pertinent to these Romans 13 passages demands treatment of all the words within such passages as terms of jurisprudential art, and it demands the commencement of a chronological **exegesis** of the entire Bible, starting at Genesis 1:1, to discover the meanings of those terms of art. Failure to do so leaves the interpretation of such passages inherently irrational and statist, thereby allowing the state to run roughshod over the natural rights of whosoever gets in its way. Although the Peace of Westphalia may have brought

1 Example: the midwives' civil disobedience in Exodus 1:15-21.

2 Even Anabaptists who presume to exist completely outside the jurisdiction of secular government are vulnerable to the same assumption, due to a failure to rightly parse God's word on this subject.

improvements on this front, by ending the religious wars, it's still a long way from the natural-rights polity, and reconciliation of "governing authorities" and natural rights..

(ii) Hermeneutics of Grotius' Legal Philosophy

In **The Law of War and Peace**, Grotius cites numerous sources from antiquity, including the Bible. Grotius cites these sources from Classical Civilization without any apparent attempt at encompassing all of it within a biblical worldview. Instead, he cites Bible passages along with passages from Cicero, Aristotle, Cato, Heraclitus, Plutarch, Hesiod, Polybius, and numerous other ancient authors, mostly pagan, as though the Bible were merely another ancient source of authority among numerous sources. He certainly acknowledges the existence of God and that God is the author of nature. And he certainly acknowledges the Bible's divine inspiration, while not doing so for these other authors. But he makes little effort at defining what nature is, or at grounding nature, natural law, and natural rights in Scripture. So rather than reasoning systematically from Scripture to establish the authority for his claims, he relies on his own erudition in expounding screeds of ancient authors, one of whom happens to be the divine author. This should be obvious to anyone who reads **The Law of War and Peace**. Even though Grotius' breadth is huge, the depth is lacking because he is not reasoning first and last from Scripture. In other words, his claims are too horizontal and humanistic, and too little grounded in the vertical supremacy of God over all things. Merely claiming to be a theist and a Christian isn't sufficient to overcome this flaw.

The core deficiencies in Grotius' approach to *international law* are evident in his treatment of jurisdictions, natural law, and natural rights. Grotius' hermeneutic has more in common with the hypothetical Hinduist at the beginning of this booklet, than it does with the Reformed hermeneutic. He was clearly focused on inducing principles from ancient case law, regardless of whether that case law was in Scripture or in some other ancient text. The role of the Bible in Grotius' inductive process was merely to serve as one more source of ancient case law, with lip service paid to it along the way to placate its claim to being divine and holy. So Grotius' legal philosophy consists almost entirely of inducing morality, as it pertains to relations between nation-states, from ancient secular texts and the Bible, and he takes a smorgasbord approach to the Bible, focusing mostly on the historical narrative. This amounts to induction from a random mixture of biblical facts and secular facts. But these ancient texts are not Scripture, and should not be presented as though they were. There is also sparse influence from the Didactic, at best. This approach to finding *international law* suffers the same problem Sproul cites regarding misuse of the historical narrative in biblical hermeneutics. The Reformed hermeneutic is

clear that "Historical Narratives Are to Be Interpreted by the Didactic". This is because the Bible's historical narrative "records not only the virtues of the saints but their vices as well".[1] So Grotius' approach to finding *international law* is essentially to study what ancient sinners have done. This approach is obviously fraught with hazards. Because Grotius inadequately investigates special revelation before digging up these screeds of "international" case law, he fails to find the proper interface between general and special revelation. Like all secular knowledge, this kind of secular knowledge is certainly important. But it's critical to the visible Church to understand such secular knowledge within the context of biblical law and biblical fact.

In order to address the same issues in *international law* that Grotius addresses, without succumbing to the same two-dimensional worldview, it's necessary to proceed first by finding better hermeneutics. Given that this is the purpose of this booklet, this booklet will continue into this examination of *international law* by using the hermeneutical principles it has already discovered. The *analogy of faith* is primary, because it assumes the rational integrity and supremacy of the Bible. Secondary to the *analogy of faith* and the interpretational policies well-grounded in Reformed hermeneutics, are the interpretational policies established by this booklet's rendition of the Reformed hermeneutic. Among these is the belief in four overarching kinds of law, eternal law, natural law, divine law, and human law. As should be evident by now, even though these terms were used by Aquinas, their associated concepts are embedded in Scripture, starting in Genesis 1:1. For the sake of maintaining the same foundation as has already been established, while simultaneously venturing into encompassing the issues in *international law*, as cited by Grotius, it should help to review.

(iii) Natural Law in Grotius' Legal Philosophy

Natural law should not be defined outside the context of eternal law. The definition of eternal law is based in Genesis 1, where there is an implicit distinction between cosmos and chaos (v. 2). Based on this distinction, creation is orderly and not chaotic, which means that it operates by laws that are at least partially knowable by humans. So eternal law is the set of laws that God embedded in creation, and that perhaps pre-existed creation, and by which God sustains creation. — Natural law is that subset of the eternal law that humans are capable of knowing. Because humans are inherently localized in space and time, humans are incapable of knowing everything. "Natural law" designates the limited range of the eternal law that humans have the capacity to know, at least in their perfected state. To properly

1 Sproul, **Knowing Scripture**, p. 72.

understand natural law in general, it's crucial to understand it as a function of a correspondence model of perception. Given that humans are capable of knowing things, and are inherently localized in space and time, the correspondence model of perception is an inevitable aspect of knowing for such localized creatures. The tree-outside-the-window vignette introduced above shows why this is true. It shows why it's necessary that the natural law is composed of three intersecting sets of natural laws: (i)the laws of nature that operate exogenously to the human being; (ii)the laws of nature that operate endogenously to the human being; and (iii)the natural laws that are inherently encompassed by the field of ethics. These three are what's being called the natural-law tripod. Two of these three legs are subject to the scientific method, the endogenous and the exogenous legs. The ethical leg has never been meaningfully subjected to the scientific method, and probably never will be. Among other things, this is because choice-making is more fundamental than science. To distinguish laws of nature that are subject to the scientific method from natural laws that are not subject to the scientific method, the natural laws that operate within the endogenous and exogenous legs are being called "laws of nature" rather than merely "natural laws". This is called a "correspondence model of perception" because objects that exist exogenously are replicated as images in the endogenous mind, which thereby correspond to the exogenous objects.

These distinctions show that any reliable model of natural law must be composed of these three legs. It's crucial to recognize that in using appellations like "natural law" and "law of nature", Grotius did not make these distinctions. It's also important to recognize that he also did not ground his concept of natural law in Scripture by recognizing that natural law is a subset of eternal law. Although he did indicate that natural law is divine (example: Book I, Chapter 1, section XV), he also in numerous places recognized natural law in various ancient writings simply because the ancient author recognized it. For example, he said, "Paulus the Lawyer said, that theft is expressly forbidden by the law of nature." (Book I, Chapter 1, section X) Grotius offers this citation of Paulus the Lawyer without arguing whether the claim is true or not, but rather as authority like Scripture, simply because everyone in his audience must surely follow the group-think that says it's authoritative. Although this claim by Paulus the Lawyer is true, that doesn't mean that the numerous other citations of ancient authors regarding the attributes of natural law are equally as true. But Grotius offers them as authoritative, which is inherently misleading and error prone, because these ancient authors were merely human.

Another problem with Grotius' use of the words "natural" and "nature" pertains to a degree of neglect in distinguishing what's natural in the garden of Eden, from what's natural after the fall of humanity, from what's natural in the New Jerusalem.

"Preternatural powers" were natural human characteristics before the fall, as they certainly will be again in the New Jerusalem. But in the current in-between milieu, "preternatural powers" are generally seen as "supernatural", and there is a degree of confusion about what's natural and what's not. In the current milieu, sin and death are natural, whereas they were not natural in the garden of Eden, and they will not be natural in the New Jerusalem. These facts indicate that there is some confusion in use of words like "natural", "preternatural", and "supernatural". The word "preternatural" merely indicates what is beyond nature. Likewise, the word "supernatural" means over and above nature. But as is clear in the above examination of the Adamic covenant, as far as human actions are concerned, anything that's beyond nature, or over and above nature, is sin, because it misses the natural-law mark. In the realm of human choices, *i.e.*, ethics, anything that doesn't conform to nature misses the mark, and is violence against nature. Within the ethical leg of the natural law, expressions like "preternatural" and "supernatural" introduce rational inconsistency to the claim that the conception of natural law is grounded rationally in Genesis 1:2.

Usage of words like "preternatural" and "supernatural" to describe attributes of pre-fall people indicates an assumption that human nature in the garden is different from human nature in the New Jerusalem, both of which are different from human nature in this current and long-standing, in-between milieu. It's certainly true that people in the garden had different characteristics from people evicted from the garden; and it's certainly true that people in this in-between milieu have different characteristics from people in the New Jerusalem. But this apparent mutability of human nature conflicts with the biblical fact that natural law is as immutable as eternal law. Because natural law is a subset of eternal law, natural law is as immutable as eternal law. So because natural law doesn't change, human nature, meaning that most basic aspect of what it means to be human, cannot really change either. Given the biblical fact that humans are naturally endowed with a capacity for eternal life, human nature cannot change. Even though humans may manifest radically different attributes in each of these three milieus, natural law is the same throughout, and basic human nature must also be the same throughout. Because human nature is grounded in eternal and natural law, saying that human nature changes while natural law stays the same introduces ambiguity and irrationality into this search for biblical integrity. To eliminate this ambiguity and irrationality, it's necessary to conclude that like natural law, humans in their core nature, characteristics, and attributes do not change. But there must necessarily be some set of human qualities that nevertheless change radically across these three milieus, even while human nature remains immutable.

Although the natural law doesn't change, which means that the moral law doesn't change across these three fundamental environments, something relatively basic about humanity obviously changes across these three environments. So it's necessary to distinguish what changes from what doesn't. Humans clearly had extraordinary mental and physical powers before the fall, and it's sure that humans will have similar, Christ-like, extraordinary powers in the New Jerusalem. But in this milieu marked by sin and death, those powers are so extraordinary that they're generally called "miraculous". Ethical laws, meaning natural laws governing human choice making, are as immutable as the laws of nature within the exogenous and endogenous legs of the natural-law tripod. So given that natural law is immutable, what about humanity changes, and what about it stays the same?

At the fall, humanity became so thoroughly broken that from that point forward, every human has been conceived in sin, and is not capable of complete conformity to natural law, and that's why humans die. That's also why humans are generally incapacitated in regard to these "miraculous" powers. These biblical facts are clearly implicit in the first three covenants in the Bible. As already spelled out above, this incapacitation doesn't exist because God changed the natural law in those covenants. On the contrary, it should be understood that the natural law consists of implicit terms within the Edenic covenant. It should also be understood that the Adamic and Noachian covenants don't change the natural law, but merely modify the human interface with the unchangeable natural law. These covenants merely modify human duties and benefits relative to God and the natural law. The covenants are elucidated over time through **progressive revelation**, while God maintains the original task that He gave to humanity at the beginning, that of growing into fully formed miniature sovereigns, but in a different environment. Regarding the human capacity to exercise "miraculous" powers, and to avoid sin and death, even though these are fundamental aspects of human nature, since the fall, humans are generally incapacitated. This is because humans lack the processing equipment necessary for processing inputs from this in-between milieu in a way that avoids sin and death, and that facilitates such extraordinary powers. Christ did not have this disability. Throughout His life, from conception forward, He was always able to process inputs in a way that kept Him in perfect harmony with natural law. The problem with the rest of humanity is not merely an inability to always choose what conforms to natural law. It's not merely a moral problem. It's not merely within the ethical leg of the natural law. The problem with the rest of humanity is cognitive as well as ethical. In fact, it involves the entire endogenous aspect of every human being, which obviously involves perception of the exogenous arena. The processing of inputs happens primarily within the endogenous leg of the natural law, but also within the ethical leg. The curse that humanity took upon itself at the fall

did not change the natural law, but it did change the human interface with all three legs of the natural law by way of this inability to process inputs.

Because natural law doesn't change, no human powers are really beyond nature. Some people might claim that the human power to sin is a power to go beyond nature and natural law. But the human power to sin, the power to miss the mark, is the power to put one's self at odds with nature. But ultimately, humans cannot break natural law any more than they can break eternal law. Putting one's self at odds with natural law is an inherently self-destructive act. Because human nature at its foundation demands complete conformity to natural law, no human powers are really beyond nature. This means that no human powers are really "preternatural". The power to sin may appear to be an exception to this rule, but it cannot be an exception in any ultimate sense. The power to sin is merely the human's power to warp self so that self doesn't conform to genuine human nature. Genuine human nature is displayed (i)by Adam and Eve before the fall; (ii)by Christ throughout His life and ministry; and (iii)in the future by those living in the New Jerusalem. In the meantime, nothing in the human arena, meaning in any of those three milieus, is really beyond natural law, except the unknowable aspect of the eternal law, which is in the human arena but not of the human arena. Likewise, nothing that humans recognize in this in-between milieu as being "miraculous" is really over and above nature, meaning "supernatural". It may be impossible at present for humans to know precisely where to draw the line between the eternal law that is eternally unknowable to humans, on one hand, and the eternal law that is knowable and therefore within the bounds of the natural law, on the other. But that present inability does NOT vitiate the rationally necessary distinction between unknowable eternal law and knowable eternal law (*i.e.*, natural law). Anything that really is inherently beyond the human capacity to know, even when the given human is a holy being abiding in the New Jerusalem, is completely outside the realm of human ethics, and is genuinely "supernatural" and "preternatural". If this extra-ethical thing is genuinely beyond the knowable capacity of even a sinless human being, then it's both outside the realm of human knowledge and outside the realm of human choice and action. Such a sinless human would ***know what he/she needs to know when he/she needs to know it***. Anything that is utterly outside the realm of ever being known by a sinless human probably would be something that that human would have no desire to know.[1]

1 It's reasonable to think that this must be true at least of head knowledge, as distinguished from heart knowledge. That there is a difference between these two is evident in the distinction between (i)knowing God or being known by God, or in

As Paul says in 1Corinthians 13:9-12, "we know in part and we prophesy in part, but when the perfect comes, the partial will pass away … For now we see in a mirror dimly, but then face to face. Now I know in part; then I shall know fully, even as I have been fully known." Of course, he's speaking of the difference between human life in this in-between milieu versus human life in the New Jerusalem. In both, humans are localized in space and time. But in the New Jerusalem, humans will never miss the natural-law mark, because every human in the New Jerusalem will ***know what he/she needs to know when he/she needs to know it, so that he/she chooses what he/she needs to choose when he/she needs to choose it, so that he/she does what he/she needs to do when he/she needs to do it, where need is defined in terms of never missing the natural-law mark, and therefore never dying, and therefore having extraordinary powers***. This epistemological and ethical characteristic is basic to human nature, as surely as the three-fold nature of natural law is basic to human nature. — In the state of complete sanctification, because people are localized in space and time, there will be things that are beyond knowing. But partial knowledge will pass away because what humans need to know will be fully known, while things that are beyond the human capacity to know in full will not be known at all. Some things, like God, will never be known fully, but will certainly be known in the most intimate sense. Humans will certainly know God as fully as humans are capable. In the present in-between milieu, and therefore short of complete sanctification, the human capacity to know certainly looks different from the human capacity to know before the fall or at the end of time. But natural law is being delimited here by the human capacity to know that must necessarily exist in the New Jerusalem. Because that capacity is a crucial aspect of human nature, that capacity is not really different in the garden or in the in-between milieu from what it is in the New Jerusalem. Instead, in the in-between milieu and in the garden, the human capacity to process inputs is immature, and therefore gives the appearance of being a diminished capacity to know, even though it's not a diminished capacity to know.[1] Natural law doesn't change, and neither does human nature, but humans do. This statement encompasses the fact that humanity, in particular God's elect, are gradually developing improved processing capability, and this improvement manifests in gradual improvements in theology and jurisprudence, among other things. As the Bible makes clear, in this in-between milieu, war is going

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knowing intimately another person; and (ii)knowing things in a less intimate way, like knowing right from wrong, true from false, fact from fake, *etc*.

1 A *de facto* inability to process inputs is not the same as a diminished capacity to know. The capacity to know stays the same throughout, although the software necessary to process inputs changes over time.

on constantly between good and evil, especially in the **psychic** field of perception and action, and the front lines in this war shift constantly. That war will not exist in the New Jerusalem because of the mature human's capacity for right choosing.

The eternal law encompasses all of creation, both what is extraordinary to human beings and what is not. This means that angels, demons, all of the **physical** field of perception and action, all of the **psychic** field of perception and action, and everything in the **Spiritual** field of perception and action except God Himself, are manifestations of the eternal law. Out of these three fields of perception and action, if humans are capable of knowing about it, it is an aspect of the eternal law that is also part of the natural law, and is likewise also part of nature. Within this context, the words "supernatural" and "preternatural" lose their meaning, because "natural" encompasses stuff that is far outside what is normal for fallen, pre-resurrection humans. Under this Bible-based definition of natural law, supernormal and preternormal are meaningful words, while supernatural and preternatural are more-or-less meaningless. This line of reasoning impacts not only the words "supernatural", "preternatural", "natural", and "nature", but also the definition of "miracle". In order to properly contrast Grotius' conception of natural law with this booklet's conception, it's necessary not only to examine concepts of natural, supernatural, and preternatural, but also the concept of miracle.

In Grotius' world, the natural law is divine, meaning that it is an aspect of God's creation that is very close to God Himself. But in Grotius' world, the natural law doesn't govern things like the supernormal and the preternormal. Grotius' definition of "natural law", "law of nature", *etc.*, doesn't encompass these things. To establish a rational distinction between that aspect of the eternal law that humans are capable of knowing, and that aspect of eternal law that humans are inherently incapable of knowing, it's necessary to include humans at the beginning of time and at the end of time within the definition of human. This is because humans at these two temporal extremes must surely have this immutable human nature as much as humans in the in-between milieu. Simply because humans are sinful and death-bound doesn't supply sufficient reason to define humanity strictly within the bounds of the fallen milieu, as Grotius implicitly does (and as most people generally do). According to biblical fact, humans once had preternormal powers in the garden, and elect humans who are inherently bound for the New Jerusalem will there have preternormal powers. — There has been an implicit conflation of the words "normal" and "natural" for a long time. Even the Apostle Paul used the word "natural" to mean "normal".[1] So this kind of conflation of "normal" and "natural" is even built

1 Examples: In Romans 6:19 (**ESV**) Paul speaks of his audience as having "natural limitations". Given the way "natural" is being used in this chronological **exegesis**,

into the Didactic. But the need for jurisprudential rationality can't be satisfied with a continuation of this kind of informality, in spite of the fact that philosophers of law like Grotius don't mind it.

Jurisprudential clarity demands that the natural law to which humans must be subject, according to rational necessity, encompass all of what it means to be human. This means that the natural law must encompass both the garden of Eden and the New Jerusalem, as well as what is normal and supernormal for humans in the fallen condition. This means that all of the Messiah's many "miracles" were in fact the exercise of preternormal powers, but not of "preternatural powers". This claim demands some explanation, because many Reformed theologians take "miracles" as being the insignia of special revelation.

(iv) Cessationism vs. Continuationism[1]

According to normal English translations, "miracles" are classified by the Apostle Paul as one of the gifts of the Holy Spirit (1Corinthians 12:10, 28, 29). It's clear in reading such a normal translation of 1Corinthians 12 that Paul believed that some Christians have been called to be "miracle" workers. While it's reasonable to treat Paul's use of the word "natural" as phenomenological language, it's not so easy to treat his use of "miracle" the same way. — There really isn't a Greek counterpart for the word "miracle". The Greek words translated to "miracle" generally mean *power* (Strong's #1411), *sign* (Strong's #4592), and *wonder* (Strong's #5059). Something similar is true for the Hebrew (Strong's #4159, #226, #6381). So perhaps it would have been more accurate to translate the source words to English words that more closely

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"normal" would have been a better translation. — In 1Corinthians 15:49 (**ESV**), Paul speaks of the resurrection as a sowing of a "natural body" and the raising of a spiritual body. Given the need of this chronological **exegesis** for jurisprudential clarity, it would have been better to translate it so that he speaks of sowing a "normal body". — This usage doesn't mean that Paul was wrong. As Dr. Sproul clearly indicates, much of what is said in the Bible that seems to conflict, at first glance, with extra-biblical facts, should be understood as "phenomenological language". Paul's use of "natural" instead of "normal" in these passages should be appreciated as phenomenological language. In fact, all Romans 13 passages should be understood as phenomenological language. — In passing: In the New Testament, there are six occurrences of the Greek word meaning natural in regard to the soul or mind (*psuchikos*, Strong's #5591), and three occurrences of the Greek word meaning natural according to nature (*phusikos*, Strong's #5446). These are the two source words most translated to English "natural".

1 Disclaimer: This is not a thorough treatment of this subject. This treatment is included here because it's prudent to at least point informally in the direction of a resolution to this conflict.

replicate the original meaning. On the other hand, translating to the word "miracle" may more fully indicate that the phenomenon to which the source language refers really is supernormal and preternormal. If that's the case, then perhaps translating to "miracle" more fully conveys the meaning in the source language. So translating to "miracle" is really no more problematic than translating to "natural" instead of to "normal", and it tends to be equally as problematic because it has the same problems as the words "preternatural" and "supernatural", namely, that they don't fit well into the already-**exegeted** biblical facts.

Reformed theologians often believe that miracles have ceased since closure of the New Testament canon. Evidence that this is true is manifest at the Ligonier Ministries web site:

> Theologians have a strict definition of miracles, as Dr. R.C. Sproul explains. A miracle, properly speaking, is an "extraordinary work performed by the immediate power of God in the external perceivable world, which is an act against nature that only God can do" (for example, resurrections and floating axe heads). Considered this way, it seems clear that miracles are not occurring in the present.[1]

"[E]xtraordinary work" is equivalent to saying that the given work is preternormal or supernormal. — When this definition of "miracle" indicates that the work is "performed by the immediate power of God", it indicates that the work is unmediated by any normal secondary cause. In traditional thinking, the normal, everyday work of God is done through "natural" causes and "natural" law. Because God is the "prime mover", He is the ultimate cause of everything; but in normal human existence, all effects, meaning all things humans are normally capable of perceiving, have causes that are not the ultimate cause. So they are referenced as "secondary" causes to distinguish them from God, the primary cause. So when this definition indicates that a work is "performed by the immediate power of God", it indicates that the work is performed by God without any of the normal mediating secondary causes. — When this definition indicates that the work is "in the external perceivable world", it indicates that a "miracle" is not merely something that exists in someone's mind, like a hallucination. It's not merely endogenous. It happens in the exogenous realm where people generally are capable of perceiving it. — When this definition indicates that the "miracle" is "an act against nature that only God can do", it enters into conflict with the definitions of "nature" and "natural law" that have

1 Quoted from a devotional page, "Are Miracles for Today?", at the Ligonier Ministries web site. — URL: http://www.ligonier.org/learn/devotionals/are-miracles-today/, retrieved 1 February 2017.

been discovered in this **exegesis**. It does this by presupposing that it's possible for God to violate the natural law, *i.e.*, to do something "against nature". It's certainly possible and reasonable for God to override the natural law with the eternal law whenever He chooses, but such an override is not "against nature". It may be against human misconceptions about what constitutes natural law, *i.e.*, against normal. But it's not ever likely to be against nature. This is because the definition of "miracle" given in this quote demands that God violate natural law, something that God is certainly capable of doing, but why would He?

This devotional page emphasizes that God continues to answer prayers, and that God's "supernatural" work continues. The Ligonier web page indicates that the evidence that prayers are answered and God's "supernatural" work continues these days appears in the facts that people are converted through the Holy Spirit, and people are healed in response to prayer. The web page indicates that on the other hand, evidence that "miracles" in this strict, Ligonier sense DO NOT happen these days appears in the fact that no one sees them happen. Evidence also appears, according to the web page, in "Scripture's presentation of the purpose of the 'miracles' [which] indicates that they are not occurring in our day". In spite of this claim that Scripture proposes that "miracles" do not happen in current times, the biblical passages that the web page cites as evidence supporting this claim (Hebrews 2:1-4; Ephesians 2:19-22; Exodus 4:1-9) don't really appear to confirm the claim. These scriptures don't really support this claim that is based on this strict definition of "miracle". These scriptures certainly confirm the existence of the supernormal as confirmation of God's word. But they do not necessarily confirm the existence of the "supernatural" or "miracles" as confirmation of God's word. The problem in this strict definition of "miracle" lies in the Ligonier author's implied definition of natural law, and in the fact that he/she links the definition of "miracles" with "Scripture-quality revelation".

This definition of "miracle" demands an explanation of the meaning of "nature" as it appears in the definition. If nature is defined in terms of the status quo among men, *i.e.*, as what's normal among mankind, then the Ligonier definition is largely reasonable. Under those circumstances, the definition becomes, an "extraordinary work performed by the immediate power of God in the external perceivable world, which is an act against ***the norm*** that only God can do". On the other hand, if nature is defined in accordance with this chronological **exegesis**, then the Ligonier definition is extremely problematic. Why would God ever break His own law? For God to break His own law is equivalent to God breaking His own covenants. That, surely, all Bible-believing people readily recognize as blazing heresy. Because God is God, God can break His laws and covenants whenever He wants. But He has promised not to, and His promises are reliable. God never breaks His covenants,

although humans do incessantly. So it must necessarily be assumed that the use of "nature" in any reliable definition of "miracle" is equivalent to "normal", unless "nature" is clearly intended to conform to natural law as defined in this booklet. So does replacement of "natural" with "normal" in the definition, and of "supernatural" with "supernormal" in the rest of the web page, fix that web page's definition so that it's not so problematic? — No, it doesn't. The Ligonier definition is "strict" and technical because it is linked to Reformed theology's defense of the inerrancy and integrity of Scripture. So, in order to define "miracle" in accordance with this booklet's definition of natural law, it's necessary to examine the relationship between Reformed theology's technical definition of "miracle" and its defense of Scripture. In the meantime, the following definition of "miracle" should be taken as this booklet's attempt at an at least preliminary definition of "miracle":

> miracle — God's providential activation of an eternal law (which may also be a natural law), where such eternal law has not yet been discovered by God's people. If this eternal law is also a natural law, it is a natural law that has not yet moved from being "secret" to being "revealed", in accordance with Deuteronomy 29:29.[1]

This chronological **exegesis** uses definitions of "natural" and "miracle" that are compatible with the legal structure the **exegesis** exposes. But Reformed theology generally uses definitions of these words that are manifestly incompatible with the legal structure. So to fix this incompatibility, the following rules should be followed, as long as doing so does not conflict with Reformed theology's defense of Scripture: "preternormal" should replace "preternatural"; "supernormal" should replace "supernatural"; and this definition of "miracle" should replace Reformed theology's technical definitions. Admittedly, this is a big assumption. To make sure the assumed condition is satisfied, it's necessary to examine the interface between "miracles" and the defense of Scripture. As a preliminary finding, it should be admitted that Reformed theologians who argue for cessationism have failed to present a convincing argument. Arguments from Scripture presented with great care and diligence by Reformed theologians like Wayne Grudem disclose this failure more explicitly than is being done here.[2] Grudem, *et al.*, do this by examining the Scriptures with great care, concluding that the Scriptures emphatically DO NOT mandate cessationism, but do quite the opposite. — Over the centuries there

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1 It's important to understand "things that are revealed" in Deuteronomy 29:29 as being reference to **progressive revelation**.

2 Grudem, **Systematic Theology**, chapters 17 ("Miracles"), 52 ("Gifts of the Holy Spirit (1)"), and 53 ("Gifts of the Holy Spirit (2)").

have been screeds of cessationist arguments offered by otherwise rational, reliable, and Bible-loving Reformed theologians. This fact should make one pause before concluding that the non-cessationists (continuationists) have finally won the argument. One should pause and ask why Reformed theologians have spent so much time and effort trying to convince the visible Church that miracles ceased at the death of the last Apostle. As Grudem says, one "argument limiting miracles to the first century is based on the claim that some miracles … always give new Scripture-quality revelation".[1] If one uses the definition of "miracle" that appears at the Ligonier web page, then any phenomenon covered by that definition may deserve to be classified as "Scripture-quality revelation", in spite of the fact that both the phenomenon and the definition thereby violate natural law as defined within this booklet. But, as should be obvious by now, Ligonier's definition of "miracle" probably doesn't really arise out of Scripture. So it's reasonable to ask where it came from and why. Reformed theologians originally saw this strong linkage between "miracles" and "Scripture-quality revelation" for the sake of defending the inerrancy, integrity, and sufficiency of Scripture. It's not a good idea to disable that sincere argument without simultaneously offering arguments that defend the inerrancy, integrity, and sufficiency of Scripture under this booklet's natural-law paradigm.

Exodus 4:1-9 depicts part of a conversation between God and Moses. Moses is barefoot before God, on holy ground, conversing with God, who's in the burning bush. God is in the process of commissioning Moses to lead the descendants of Abraham, Isaac, and Jacob out of Egyptian slavery. Moses complains to God, saying, "they will not believe me or listen to my voice, for they will say, 'The Lord did not appear to you.'" God responds by showing Moses two miracles, one in which Moses' staff turns into a snake, and the other in which Moses' hand turns leprous, and then non-leprous. God tells Moses that when Israel doubts Moses, Moses should show them these (and other) signs to convince them. So such miracles are clearly intended to confirm "Scripture-quality revelation". But does this mean that "miracles" exist exclusively to confirm "Scripture-quality revelation"? Even though it's true that God intends some miracles to confirm "Scripture-quality revelation", it's not reasonable to conclude that they exist exclusively for that purpose without sure evidence to prove as much. The cessationist's strained definition of "miracle" doesn't appear in Scripture. Miracles like these could clearly be supernormal and still confirm "Scripture-quality revelation". — It's necessary to recognize this important role of miracles, and to simultaneously confirm the inerrancy, integrity, and sufficiency of Scripture without succumbing to such a strained definition of "miracle".

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1 Grudem, **Systematic Theology**, page 367.

Reformed Christians generally recognize that *sola Scriptura* was one of the Five Solas of the Reformation. In the same way that the Roman Catholic hierarchy repudiated the other four solas, they likewise repudiated *sola Scriptura*. In fact, the Roman Catholic Church essentially anathematized the gospel by repudiating the tenets of these Five Solas at the Council of Trent (1545-1563). To date, the Roman Catholic Church has not recanted Trent's repudiation of the gospel. In fact, in recent decades authors representing the Roman Catholic position have written books affirming Roman Catholic repudiation of *sola Scriptura*.[1] It's therefore imperative for Reformed theologians to defend biblical truth on this front as fervently as ever. This is especially true in these days because American Protestants generally have no better understanding of *sola Scriptura* than Roman Catholics.[2]

Contrary to some misconceptions, the doctrine of *sola Scriptura* does not hold that the Bible is the only source of truth and authority among genuine Christians.[3] It holds that the Bible is the highest source of truth and authority for the visible Church. It's reasonable to make an analogy between America's lawful judicial system and *sola Scriptura*. In this analogy, the Bible is like the supreme Court. Beneath this court are appeals courts and courts of original jurisdiction. People can appeal to tradition, science, reason, experience, conscience, and numerous other sources of truth and authority. All these sources of truth and authority are genuinely authoritative in varying degrees and with various jurisdictions, as long as they are not totally false. But only when the rulings of these lower-level courts are rationally consistent with the supreme Court are they genuinely authoritative to the visible Church. — As is established by the decrees and canons of the Council of Trent, the Roman Catholic Church adopted two sources of supreme authority, Scripture and tradition. The Roman Catholic hierarchy continues to hold this doctrine. Obviously, it's imperative for Reformed Christians to continue defending *sola Scriptura* against recalcitrant Roman Catholics; against ignorant Christians in Protestant, Eastern, and "independent" churches; and against Christians who follow the traditions of

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1 David Currie, **Born Fundamentalist. Born Again Catholic** (Ignatius Press, San Francisco, 1993); Scot Hahn and Kimberly Hahn, **Rome Sweet Home** (Ignatius Press, San Francisco, 1993; Patrick Madrid (editor), **Surprised by Truth** (Basilica Press, San Diego, 1994); Mark Shea, **By What Authority?** (Our Sunday Visitor, Huntington, Indiana, 1996); Robert A Sungenis, **Not by Scripture Alone: A Catholic Critique of the Protestant Doctrine of Sola Scriptura** (Queenship Publishing Co., 1997).

2 And Eastern Orthodox Christians are generally as ignorant on *sola Scriptura* as these other two groups.

3 For a good explanation of what *sola Scriptura* really means, see Keith A. Mathison, **The Shape of Sola Scriptura** (Canon Press & Book Service, 2001).

the Radical Reformation.[1] — It's outside the scope of this booklet to give a full defense of *sola Scriptura*. The reader should understand that the author of this booklet agrees with the Reformed doctrine of *sola Scriptura* in all points except these related definitions of miracle, natural law, nature, supernatural, preternatural, *etc*. Before continuing this examination of *international law*, it's imperative that this booklet provide an at least cursory look at how the standard defense of *sola Scriptura* should go vis-à-vis this booklet's definition of natural law, *etc*. Because the traditional Reformed defense of *sola Scriptura* deviates from this booklet at the intersection of "miracles" and "Scripture-quality revelation", this booklet will focus on that intersection in this cursory examination. — All these lower-level courts can err, but the highest court in the visible Church never errs, even though fallible humans often generate erroneous interpretations.

Probably the most stalwart exponent of cessationism in recent centuries has been Benjamin Breckinridge Warfield (1851-1921). As Reformed theologian John Gerstner (1914-1996) put it, "Warfield is one of the greatest champions of biblical inspiration".[2] Later in the same chapter, Gerstner says, "[I]n the total corpus of Warfieldean literature the majority of it concerns the inspiration and authority of Scripture.'"[3] This great defender of Scripture was also a great cessationist. So he deserves to be the great source of information about how to maintain a staunch defense of *sola Scriptura* without abandoning this natural-law-based continuationism. Gerstner further speaks of Warfield's defense of Scripture by saying the following:

> Speaking of the origin of all things, Warfield writes: "In creation, … the Christian man is bound to confess a frankly supernatural act – an act above nature, independent of nature, by which nature itself and all its laws were brought into existence."[4] Here he states this as confessional fact, but, judging from his thought in general, he accepts this fact of God as the only adequate explanation of what has come into being. This parallels his approach to special revelation. The entire development of the argument in his "Divine Origin of the Bible" is that human means could not account for – be the

1 Followers of the Radical Reformation DO NOT recognize that the creeds and confessions have this kind of lower-level appeals-court status.

2 John H. Gerstner, "Warfield's Case for Biblical Inerrancy", Chapter 5, **God's Inerrant Word: An International Symposium on the Trustworthiness of Scripture**, 1974, ed. John Warwick Montgomery, Bethany Fellowship, Minneapolis, p. 119.

3 Gerstner, "Warfield's Case", p. 132.

4 Endnote embedded in Gerstner, "Warfield's Case", p. 125. It cites "Warfield, *Studies in Theology* (New York: Oxford University Press, 1932) p. 35."

> adequate cause of – the Bible.[1] This is also the principal motif in *Counterfeit Miracles*: miracles can only come from God for purposes of revelation; therefore, all outside the biblical sphere are necessarily "counterfeit" (he then attempts to confirm that theory by a critique of alleged post-biblical miracles). In the article "Kikuyu, Clerical Veracity and Miracles," Warfield maintained that miracles are not merely above nature or our understanding of it (*supra naturam*) but against nature (*contra naturam*), requiring an adequate cause, the Creator of nature himself.[2] In the well-known statement that supernaturalism is the essence of Christianity, evangelicalism the essence of Protestantism, and particularism the essence of Calvinism,[3] the most basic of these is the first.[4]

It's important to note that Warfield is right when he says that creation is genuinely "supernatural", because it is, in its most fundamental part, eternal law that is beyond the natural law. Because of the nature of special revelation, essentially the same is true of the Bible. In its most fundamental part, the Bible is eternal law that is beyond natural law because God has manifestly orchestrated its production. Warfield's opinion that God's act of creation and God's act of special revelation are parallel and are both supernatural indicates a crucial approach to special revelation that is crucial to the defense of *sola Scriptura*. Both of these "supernatural act[s]" are rightly called "supernatural" because each exceeds the boundary between natural law and eternal law, at least in its origin. So anyone who accepts this booklet's conception of natural law is bound to agree with Warfield's claim that creation is a "supernatural act". Likewise, anyone who has a high view of Scripture should also agree with Warfield's claim that special revelation is a "supernatural act". Implicitly, Warfield is indicating that creation happened through eternal law as God created the eternal law itself, and as He turned chaos into cosmos. In parallel with this claim about creation, he's implicitly saying that the creation of the Bible happened through eternal law that transcends natural law when He made special, "Scripture-quality revelation" to humans. Both of these are genuinely supernatural acts because they thoroughly transcend natural law, as natural law is defined in this **exegesis**. It's also

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1 Endnote embedded in Gerstner, "Warfield's Case", p. 125. It cites "Warfield, *Revelation and Inspiration* (New York: Oxford University Press, 1927) pp. 429ff."

2 Endnote embedded in Gerstner, "Warfield's Case", p. 125. It cites "*Princeton Theological Review*, Xii, No. 4 (October, 1914), 572f.

3 Endnote embedded in Gerstner, "Warfield's Case", p. 125. It cites "Warfield, *Plan of Salvation*, p. 115.

4 Gerstner, "Warfield's Case", p. 125.

true in both cases that each of these supernatural acts also involved natural law, and are therefore not entirely supernatural.

Later in his chapter in **God's Inerrant Word**, Gerstner says more about the mechanisms by which the Bible was authenticated:

> To be sure, Christ himself authenticated the Old Testament, but the authentication of the Gospel records about Christ and the rest of the New Testament literature depended squarely on apostolic authorship or sanction. … The apostles from the beginning imposed the Old Testament and their own and other's writings as the law of the church. … "The principle of canonicity was not apostolic authorship," insists Warfield, "but *imposition by the apostles as 'law.'*"[1]

To anyone who has read the Reformed canon of Scripture from cover to cover, it's obvious that the central theme of the Old Testament is focused on the coming of the Messiah to redeem His elect and defeat their enemy. Some exegetes take a step further, and claim that most of the Old Testament's special revelation happened by way of Christophanies, special revelations of Christ in the Old Testament era. Regardless of whether the claim about Christophanies is true or not, it's obvious that by being incarnated in a **physical** body; growing up and living a sinless life; having a three-year ministry of teaching and genuine miracles; being crucified, dying, and rising again from the dead; and ascending back into the third heaven; Christ authenticated the Old Testament. In fact, it's obvious that the **Spirit** broke into normal human reality in a way that was genuinely miraculous, to confirm both the Old Testament and the New. The apostles were so molded by their relationships with Christ that supernormal phenomena became normal to them. Authentication of the New Testament therefore rightly "depended squarely on apostolic authorship [and] sanction". It's likewise undeniable that, "'The principle of canonicity was not apostolic authorship … but *imposition by the apostles as "law.*"'" Clearly, genuine miraculous phenomena confirmed the authenticity of the apostles' teaching. So genuine miracles absolutely confirmed the authenticity and truth of the Scriptures, in accordance with various biblical passages that indicate that genuine miracles served that purpose. — Now the question is this: Is the confirmation of "Scripture-quality revelation" the only purpose that miracles have? Gerstner, Warfield, and Ligonier certainly believe so. Grudem and the author of this booklet do not believe so. Who's right?

In the first paragraph of the first chapter of his book, **Counterfeit Miracles**, Warfield introduces his thesis by saying this:

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1 Gerstner, "Warfield's Case", pp. 135-136.

> When our Lord came down to earth He drew heaven with Him. The signs which accompanied His ministry were but the trailing clouds of glory which He brought from heaven, which is His home.[1]

What true Christian would deny this claim? Christ was a sinless human being, and is rightly recognized as the Second Person of the Godhead. By way of His life and ministry on earth, He displayed to the human race the supernormal abilities that are natural to anyone who lives life in perfect conformity to natural law. According to the obstinate misconceptions of practically the entire human race, these supernormal abilities are not natural, but supernatural. But according to the findings of this chronological **exegesis**, these supernormal abilities are not supernatural, but natural. — Although Christ's supernormal abilities certainly act to authenticate Scripture, there is no evidence in Scripture itself to prove that such authentication is the only purpose of such supernormal abilities. Essentially, cessationists have applied either-or logic to circumstances in which only both-and logic is appropriate. They've claimed a separation where a mere distinction exists.[2]

Christ in His sinless perfection condescended to live among sinful humans to show the latter the way out of their dark existence. Christ's life is and was firmly established in the **Spiritual** field of perception and action, and from there, His thoughts, words, and deeds infused themselves into the **physical** and **psychic** fields of perception and action. In contrast, normal humans are embedded in the **physical** field of perception and action, and they venture into the **psychic** field only through dreams, visions, fervent prayers, *etc*. Normal humans never venture into the **Spiritual** field of perception and action except through a sovereign act of God that utterly overshadows the human will. Among other things, this is because the normal human will is contaminated with sin from conception forward. — This contrast between the **Spiritual** field of perception and action, on one hand, and the

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1 Benjamin B. Warfield, **Counterfeit Miracles**, 1918, Charles Scribner's Sons, New York,, p. 3.

2 This either-or fallacy in this arena doesn't belong exclusively to cessationists. Both Kant's phenomenal-noumenal dichotomy and the natural-supernatural dichotomy should now be understood to have a dubious status, because both are arbitrary misapplications of either-or logic. If a perception / phenomenon can be tested scientifically, then the existence of that phenomenon is certainly less dubious than if it cannot be tested. On the other hand, if a perception / phenomenon cannot be tested, that by itself does not invalidate either the perception or the phenomenon. Massive experience over the last 500 years shows that what was not testable yesterday is often testable today, and what is not testable today may be testable tomorrow. Creating arbitrary barriers like these two dichotomies creates unnecessary and avoidable social schisms and conflicts.

physical and **psychic** fields, on the other, is a contrast that deserves to be recognized as central to the distinction between "Scripture-quality revelation" and revelation that is not Scripture-quality.[1] In fact, this contrast between the **Spirit** and the **physical** / **psychic** is likely to be a much more sure foundation for defending the inerrancy of Scripture than a bald and extra-biblical claim that miracles ceased at the end of the Apostolic age. Even if it's true and historically verifiable that miracles ceased at the end of the Apostolic age, that doesn't terminate Paul's admonition to pursue the "spiritual gifts" (1Corinthians 12:31; 14:1). That admonition is part of the Didactic and is obviously intended to go with the visible Church wherever the Scriptures go. This should be obvious to every serious Bible believer, which again begs the question: Why are so many otherwise extremely reliable theologians cessationists?

There is at least one place in the Westminster Confession of Faith at which the Westminster divines seem at first to imply that miracles ceased. Warfield confirmed these cessationist claims by saying, "The theologians of the post-Reformation era, … taught with great distinctness that the charismata ceased with the Apostolic age." Excerpt of WCF 1:1:

> {I]t pleased the Lord, at sundry times, and in divers manners, to reveal himself, and to declare that his will unto his church; and afterwards for the better preserving and propagating of the truth, and for the more sure establishment and comfort of the Church against the corruption of the flesh, and the malice of Satan and of the world, to commit the same wholly unto writing; which makes the Holy Scripture to be most necessary; ***those former ways of God's revealing His will unto His people being now ceased***. (emphases added)

The final clause (emphases added) indicates that something ceased when God stopped delivering "Scripture-quality revelation". What that thing was is merely indicated by "those former ways of God's revealing His will unto His people". Those former ways certainly included miracles. But the core thing that ceased was God's **Spiritual** intervention in the lives of His people. This can be seen in the "upper room discourse" (John 13-17). In the first few verses of chapter 14, Christ indicates that He is going away. People who believe that appearances of God in the Old Testament are primarily Christophanies may be prone to believe that when Christ says He is going away, part of what He's saying is that He intends to cease intervening in the affairs of His people with "Scripture-quality revelation". But as He makes clear in

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1 Anyone who believes that all revelation is Scripture-quality has the burden of proving that Paul intended occurrences of "revelation" in 1Corinthians 14 to be Scripture-quality (14:30, Strong's #601; 14:6,26, Strong's #602).

John 14:6, the Father will send "another Helper", "another Comforter", "another Advocate", in short, a Paraclete (Strong's #3875). By Paraclete it's obvious that He means God the Holy Spirit. In 14:26, Jesus says that the Paraclete "will teach you all things". It's reasonable to interpret the meaning of this to be that the time of inscripturation was coming to a close, and the time for the visible Church to operate under this fully formed system of courts (recalling the above analogy) is just about to start. This fully formed judicial system would have the closed canon of the Holy Bible as the supreme court, while the Holy Spirit would orchestrate the rational consistency between the lower courts and the supreme court.

So what ceased was the Son's **Spiritual** intervention in the lives of His people, with "Scripture-quality revelation", which certainly included miracles firmly grounded in the **Spirit**. So such miracles so grounded in the **Spirit** that they were Scripture-quality ceased. But does this mean that miracles that were not so firmly grounded in the **Spirit** also ceased? According to 1Corinthians 12-14, No. According to extra-biblical fact, both kinds of miracles may have ceased after the death of the last apostle. But at no time was Paul's admonition to seek the spiritual gifts eliminated. There's nothing ambiguous about that.

Through the combined guidance of the Holy Scriptures and God the Holy Spirit, in this post-Apostolic era, people would get faint glimpses into the **Spirit**, thereby allowing people grounded in the **physical** and **psychic** fields to work a much less spectacular grade of miracles. — According to at least one theologian, revelation that was immediate, *i.e.*, un-mediated, ceased, while mediated revelation would continue.[1] Mediated by what? According to this **exegesis**, Scripture would always mediate revelation after the Apostolic age. It would also be mediated by secondary causes within the natural law. Before the end of the Apostolic age, Scripture did not always mediate revelation, although it was always rationally consistent with existing Scripture. Also, before the end of the Apostolic age, revelation had its roots in eternal law that was not also natural law, while revelation by definition enters into the arena of natural law.

Under this interpretation, "Scripture-quality revelation" certainly ceased at the end of the Apostolic age.[2] But this does not mean that miracles necessarily ceased.

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1 See Garnet Howard Milne, **The Westminster Confession of Faith and the Cessation of Special Revelation: The Majority Puritan Viewpoint on Whether Extra-Biblical Prophecy is Still Possible**, 2007, Wipf and Stock Publishers, Eugene, Oregon.

2 "It might, indeed, be *a priori* conceivable that God should deal with men atomistically, and reveal Himself and His will to each individual, throughout the whole course of history, in the penetralium of his own consciousness. This is the mystic's dream. It has not, however, been God's way. … As Abraham Kuyper figuratively expressed it, it has

Miracles that confirm "Scripture-quality revelation" certainly ceased, but that doesn't necessarily mean that all miracles ceased. This interpretation is further confirmed by John 16:7, where Christ says, "I tell you the truth: it is to your advantage that I go away, for if I do not go away, the Helper will not come to you. But if I go, I will send him to you". Such confirmation tends to beg the question: Why are these Reformed cessationists so adamant, even implying that not only miracles ceased, but so did Paul's admonition to seek them? It's as though they claim the Holy Spirit has not come for any purpose other than salvation and normal administration of gospel purposes.

In Calvin's "Prefatory Address" to the **Institutes of the Christian Religion**, he lists what he sees as being the Roman Catholic Church's main objections to the Reformation. Among these objections is a claim by the Romanists that the Reformation lacked miracles, and therefore lacked apostolic authority. Calvin writes the following in response:

> 3. In demanding miracles from us, they act dishonestly; for we have not coined some new gospel, but retain the very one the truth of which is confirmed by all the miracles which Christ and the apostles ever wrought. But they have a peculiarity which we have not—they can confirm their faith by constant miracles down to the present day! Way rather, they allege miracles which might produce wavering in minds otherwise well disposed; they are so frivolous and ridiculous, so vain and false. But were they even exceedingly wonderful, they could have no effect against the truth of God, whose name ought to be hallowed always, and everywhere, whether by miracles, or by the natural course of events. The deception would perhaps be more specious if Scripture did not admonish us of the legitimate end and use of miracles. Mark tells us (Mark 16:20) that the signs which followed the preaching of the apostles were wrought in confirmation of it; so Luke also relates that the Lord "gave testimony to the word of his grace, and granted signs and wonders to be done" by the hands of the apostles (Acts 14:3). Very much to the same effect are those words of the apostle, that salvation by a preached gospel was confirmed, "The Lord bearing witness with signs and wonders, and with divers miracles" (Heb. 2:4). Those things which we are told are seals of the gospel, shall we pervert to the

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not been God's way to communicate to each and every man a separate store of divine knowledge of his own, to meet his separate needs; but He rather has spread a common board for all, and invites all to come and partake of the richness of the great feast." — Warfield, **Counterfeit Miracles**, p. 26.

subversion of the gospel? What was destined only to confirm the truth, shall we misapply to the confirmation of lies? The proper course, therefore, is, in the first instance, to ascertain and examine the doctrine which is said by the Evangelist to precede; then after it has been proved, but not till then, it may receive confirmation from miracles. But the mark of sound doctrine given by our Saviour himself is its tendency to promote the glory not of men, but of God (John 7:18; 8:50). Our Saviour having declared this to be test of doctrine, we are in error if we regard as miraculous, works which are used for any other purpose than to magnify the name of God. And it becomes us to remember that Satan has his miracles, which, although they are tricks rather than true wonders, are still such as to delude the ignorant and unwary. Magicians and enchanters have always been famous for miracles, and miracles of an astonishing description have given support to idolatry: these, however, do not make us converts to the superstitions either of magicians or idolaters. In old times, too, the Donatists used their power of working miracles as a battering-ram, with which they shook the simplicity of the common people. We now give to our opponents the answer which Augustine then gave to the Donatists (in Joan. Tract. 23), "The Lord put us on our guard against those wonder—workers, when he foretold that false prophets would arise, who, by lying signs and divers wonders, would, if it were possible, deceive the very elect" (Mt. 24:24). Paul, too, gave warning that the reign of antichrist would be "withall power, and signs, and lying wonders" (2 Thess. 2:9).

But our opponents tell us that their miracles are wrought not by idols, not by sorcerers, not by false prophets, but by saints: as if we did not know it to be one of Satan's wiles to transform himself "into an angel of light" (2 Cor. 11:14). The Egyptians, in whose neighbourhood Jeremiah was buried, anciently sacrificed and paid other divine honours to him (Hieron. in Praef. Jerem). Did they not make an idolatrous abuse of the holy prophet of God? and yet, in recompense for so venerating his tomb, they thought that they were cured of the bite of serpents. What, then, shall we say but that it has been, and always will be, a most just punishment of God, to send on those who do not receive the truth in the love of it, "strong delusion, that they should believe a lie"? (2 Thess. 2:11). We, then, have no lack of miracles, sure miracles, that cannot be gainsaid; but those to which our opponents lay claim are mere delusions of Satan, inasmuch

> as they draw off the people from the true worship of God to vanity.[1]

Every Reformed continuationist should be sobered by Calvin's comments, into avoiding any tendency to follow non-Reformed charismatics. This passage from Calvin emphasizes the same priorities manifested by Paul in 1Corinthians 12-14. Sure, he says to seek the "spiritual gifts". But the gist of what Paul says is to seek those gifts without allowing anything to become an idol in the process. In Warfield's words, speaking of "spiritual gifts", "It is required of all of them that they be exercised for the edification of the church; and a distinction is drawn between them in value, in proportion as they were for edification."[2] In Calvin's words, such gifts and miracles should "have no effect against the truth of God, whose name ought to be hallowed always, … whether by miracles, or by the natural course of events". Calvin cites Scripture to show that the purpose of miracles is to confirm special revelation. Such miracles are "seals of the gospel". So miracles should never be used to confirm lies, like the Roman Catholic repudiation of the gospel at the Council of Trent. And it's certainly true that the natural law, as herein defined, can be manipulated to produce "lying signs and diverse wonders". So it's imperative to follow Christ's admonition to seek first His kingdom, and all these other things, including miracles, will be added. To seek miracles instead of His kingdom is a sure sign of delusion. This need to establish these Godly priorities as a prerequisite to the pursuit of miracles and spiritual gifts can be taken as the core motivation of Reformed cessationists.

Reformed cessationists claim that miracles have been given by God to confirm Scripture. Reformed continuationists certainly agree. But Reformed cessationists contend that this is the only purpose of miracles. Reformed continuationists point out that Scripture itself indicates that that's not their only purpose. In fact, because Christians are called to grow up into Christ who is the head (Ephesians 4:16), Christians are inherently called to exercise the capacities and abilities of Christ, albeit as sinners saved by grace, and sinless only through the imputed righteousness of Christ. Paul's encouragement to seek and exercise the gifts is not limited to the Apostolic age. There's nothing in Scripture to prove that it is. Instead, seeking and exercising these gifts is part of the sanctification process. It is part of the process of learning how to live in harmony with natural law. This calling necessarily exists because sinless humans by their nature, by the human nature with which God created humans from the beginning, have an innate capacity to exercise preternormal powers.

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1 John Calvin, **Institutes of the Christian Religion**, 1536, translated by Henry Beveridge, 1845. — URL: http://ccel.org/ccel/calvin/institutes, retrieved 21 February 2017.

2 Warfield, **Counterfeit Miracles**, p. 21.

Such exercise is therefore inherently part of the sanctification of God's people. But these powers are to be exercised for the sake of building God's kingdom, and for no other purpose. When they were used to confirm special revelation, they were used for just this purpose. The canon is closed, so there's no longer any purpose for such powers in confirmation of "Scripture-quality revelation". But there is certainly a continued need for such powers in the building of Christ's kingdom on earth. But there is necessarily a huge caveat here. This can only be done properly when the doctrines are right, and God is clearly being glorified. The test of doctrine according to Jesus in John 7:18; 8:50 is this: Does the one who speaks speak on his own authority, thereby seeking his own glory? Or does he seek the glory of him who sent him? — Under this natural-law paradigm, if one seeks the glory of God, and His kingdom, above all other things, then within this context, and with these priorities, "Having gifts that differ according to the grace given to us, let us use them" (Romans 12:6a). Under these conditions, exercising gifts, powers, and miracles is a good thing. Outside these conditions, practically nothing about humanity is genuinely good, even while it's also true that it's possible for God to sanctify the unsanctified and to clean the unclean.

Given that the Reformed cessationists' case has been adequately presented here, it's clear that they have a good point in regards to what Warfield called "counterfeit miracles". In Lecture III, "Roman Catholic Miracles", of his series of lectures collectively titled **Counterfeit Miracles**, Warfield admitted that out of the thousands of people who visited Lourdes for healing, a small percentage of them were actually healed.[1] He wrote those off to natural causes, even though many were admittedly beyond the current medical capacity to explain. Warfield speaks at length about the culture of "miracles" within the Roman Catholic Church, and generally classifies that culture as whitewashed paganism. Under present circumstances, that culture cannot be characterized as using this expanded vision of the natural law for the sake of living consistently with the **Spirit**. After speaking at length about inexplicable healings at Lourdes,[2] Warfield says this:

> There are many things which we cannot explain, and yet which nobody supposes to be miraculous. No doubt the appeal to 'unknown laws,' hidden forces of nature not yet discovered, may be made the mark of an easy ridicule. … [T]here may be forces working in nature not only which have not yet been dreamed of in our philosophy, but which are beyond human comprehension altogether. Simple inexplicability, therefore, is not an adequate

1 Warfield, **Counterfeit Miracles**, pp. 106-110.

2 "The immense success at Lourdes as a place of pilgrimage … is to be attributed to the skill with which it has been exploited." — Warfield, **Counterfeit Miracles**, p. 106.

> ground on which to infer miracle. There must be something else about an occurrence besides its inexplicableness to justify us in looking upon it as a direct act of God's.[1]

This emphasis on such a phenomenon being a "direct act of God" can be traced back to a doctrine that appears in the Westminster Confession of Faith, 5:3, which says, "God, in His ordinary providence, makes use of means, yet is free to work without, above, and against them, at His pleasure." — This shows that the theological error of claiming that God violates His own law is in the WCF, and was not something concocted by Warfield. — As has already been proven, God cannot violate natural law, go "against nature (*contra naturam*)", without violating His own covenant, something He will not do, even though He could. So this emphasis on such a "direct act" is a strawman. Nevertheless, it might be reasonable to try to correct Warfield on this point by saying this: "Simple inexplicability … is not an adequate ground on which to infer [a] miracle [that confirms 'Scripture-quality revelation']. There must be something else about an occurrence besides its inexplicableness to justify us in looking upon it as" an act that is completely consistent with the **Spirit**, *i.e.*, consistent with the priority of seeking first the kingdom. That's true. Inexplicability is an inadequate ground. Consistency with the **Spirit** is in fact that "something else". But often it's hard to tell whether such a phenomenon is grounded in the **Spirit** or not. When in doubt, it's necessary to withhold judgment. On the other hand,

> Charles Hodge speaks not a whit too strongly when he asserts that "we are not only authorized but required to pronounce anathema an apostle or angel from heaven who should call upon us to receive as a revelation from God anything absurd or wicked."[2]

This is precisely why it's important to avoid extolling "miracles" done in pursuit of idols. Because of their anathematizing of the gospel at the Council of Trent, the RCC is certainly within this category of being "absurd" and "wicked".[3] That doesn't mean that all Roman Catholics are like that, just that their hierarchy has committed itself to being like that. Many Catholics are genuine Christians in spite of their hierarchy and its bad doctrines. — As latter day Christians, God's people are to exercise these gifts for the same purpose indicated in 1Corinthians 12-14, *i.e.*, for

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1 Warfield, **Counterfeit Miracles**, p. 120.

2 Warfield, **Counterfeit Miracles**, pp. 121-122.

3 "It is a primary principle … that no event can be really miraculous which has implications inconsistent with fundamental religious truth. Even though we should stand dumb before the wonders of Lourdes, and should be utterly incapable of suggesting a natural causation for them, we know right well they are not of God." — Warfield, **Counterfeit Miracles**, p. 122.

the edification of the body of Christ. Doing so for this purpose is inherently and by definition an act of confirming Scripture, even though there is no longer any need for miracles to confirm "Scripture-quality revelation". If exercising such gifts isn't confirming Scripture, then it isn't an exercise of such natural laws for the sake of glorifying God.

In conclusion, miracles are above nature only to the extent that they involve eternal law to the exclusion of natural law (*i.e.*, only to the extent that they are genuinely *supra naturam*). Miracles can also be within the bounds of nature by being within the bounds of natural law. In this case they are above current human understanding, but not above the human capacity to understand. In this case, each is a secret thing that will be providentially revealed in due time, in accordance with Deuteronomy 29:29. Miracles are NEVER against nature (*contra naturam*), because the Creator of nature never violates His covenants. "Miracles" that clearly violate Scripture are best understood to be perversions of natural law, just like any other breed of sin. — While people outside the body of Christ submit their doings to their favorite idols, Christians are called to submit everything they are and everything they have and everything they do to Christ. For the Christian to get into self-glorification, rather than self- and other- improvement for the sake of glorifying Christ, is for that person to invite God's wrath upon his/her self. This applies to self-glorification through the gifts of the Holy Spirit as well as it does to everything else. God's people exercise miracles (as defined under this booklet's natural-law paradigm) and gifts of the spirit the same way baby birds flap their wings to exercise their muscles, even though they have not matured enough to fly.

(v) Interface between Natural Law and Human Law Revisited

Because Grotius does not take his definition of natural law from the Bible, it's inherently difficult for him to make the distinction between natural law and biblically prescribed human law. There is therefore an inherent propensity to conflate the ethical leg of the natural law with human law. The resulting presupposition goes like this: If some behavior is morally right, then it must also be right to enforce that correct behavior with human law. Likewise, if some behavior is morally wrong, then it must also be right to enforce a prohibition of that behavior with human law. — If there's anything that this chronological **exegesis** has proven, it's that this bald assumption cannot be trusted. This bald assumption fails to properly consider jurisdictional limitations. To transition from this examination of Grotius' conception of natural law into a genuine examination of the subject matter of *international law*, as posited by Grotius, it's important to have not only examined the distinction between eternal law and natural law, as has just been done in the two preceding sections, but also to have examined the distinction between natural law and human law. That's because

it's imperative to recognize the jurisdictional boundaries that impact these legal categories before examining *international law*, *per se*. That has certainly been done above in the process of expounding the *metaconstitution*. So this section is mostly review and reification of context.

The ethical leg of the natural law encompasses both questions of what a person should do in his/her interactions with natural phenomena, and of what a person should do in his/her interactions with other people. The ethical leg of the natural law also encompasses both questions of what actions a person should positively do in order to live a perfect life, and what actions a person should negatively avoid doing in order to live a perfect life. The existence of the natural-law tripod necessarily entails that there is also a significant difference between the field of ethics in general and the subset of the field of ethics commonly known as jurisprudence. Even though jurisprudence is a subset of the field of ethics, it's critical not to conflate the two. Jurisprudence, in the secular sense of that word, is focused exclusively on human law. Ethics is focused on what humans should do to coordinate their lives with natural law. In contrast, secular jurisprudence is the subset of ethics that pertains to what humans should do to implement human law, where human law at its best is aimed at satisfying two duties above all others. At its best, human law is a subset of natural law. But while natural law is perfect, so much so that humans are presently disabled from knowing it in its perfection, human law, at present, is inherently imperfect because humans, at present, are inherently imperfect.

Natural law imposes duties upon every human. For example, if the tree outside the window is fruit-bearing, and if Person A needs the nutrition available in the tree's fruit, then natural law is clearly imposing a positive duty on Person A to go get the fruit. On the other hand, if the fruit would be bad for Person A, then natural law is clearly imposing a duty on Person A to avoid eating the fruit. Such natural duties as these are clearly not jurisprudential in the secular sense of that word, because they pertain exclusively to Person A, and they don't inherently entail Person A's interaction with another natural person. They are ethical decisions to be made by Person A that have no direct bearing on anyone else. So these natural duties don't involve law that humans impose on other humans, and they are inherently non-jurisprudential. They don't involve anyone else's property. But in the case in which Person B has clear title to the tree, if Person A takes the fruit without Person B's permission, then Person A is clearly damaging Person B by stealing from him, and such damage, and the action which causes it, clearly fall within the sub-field of ethics known as jurisprudence. For Person A to take the fruit without Person B's permission is theft, which is both historically and currently a jurisprudential issue.

The tree-outside-the-window vignette shows two things that are crucial in ethics: (i)the *negative duty* to avoid damaging other people, which either is, or is very close to being, the fundamental jurisprudential issue; and (ii)the positive duty to take whatever one needs from nature, or from whatever environment one may be in, to nourish, sustain, and enhance one's life, which in and of itself is an ethical issue but not a jurisprudential issue. This positive duty might involve interaction with other people, and it might not. If it does, then out of necessity, there must be a degree of agreement between people about how to do things together. For example, if Person B owns the fruit tree, and Person A needs fruit from the tree, then Person A needs to enter into some kind agreement with B about how A could procure some of the fruit off B's tree. If Person A gets permission from Person B to take the fruit, either through Person A's proffering money or something else of value to Person B, or through Person B's generously giving permission to Person A to receive the fruit as a gift, then Person A would be taking the fruit through Person B's consent. If there was an exchange, rather than a gift, then there would obviously be a contract between Person A and Person B, where the contract allowed for Person A to take the fruit under the condition that Person B received whatever consideration the contract stipulated. So this positive duty has two aspects, the first being Person A's positive duty to get what A needs, and the second being A's getting what A needs through some agreement or contract with Person B, or whoever else may need to be involved. Such agreements and contracts are necessary to avoid damaging other people's property, among other things. So this fundamental, jurisprudential *negative duty* entails a corollary positive duty to enter into contracts whenever necessary in order to satisfy the myriad needs and desires that arise out of being human. Although this positive duty to enter into contracts to satisfy needs and desires certainly involves other people, this duty is not inherently jurisprudential unless the contract stipulates a penalty for breach of the contract. When the contract stipulates a penalty for breach, it inherently stipulates human law. This is true even if the penalty for breach is nothing more than nullification of the contract.[1] When the contract stipulates a penalty for breach, this positive duty to enter into contracts transitions from being an ethical duty that is not jurisprudential into being an ethical duty that is also a jurisprudential positive duty.

According to Genesis 9:6, as interpreted above, the *negative duty* to avoid damaging other people is a global duty that applies to all people, and it is inherently accompanied by a proportional penalty, which also applies to all people. So these are the two fundamental jurisprudential duties: the duty to avoid damaging other

1 This is because nullification deprives the delinquent party of the benefits of the contract.

people (i)by way of a contract, and (ii)outside of any contract. Now, to recognize the boundaries between ethics and jurisprudence, and between natural law and human law, it's necessary to recognize the jurisprudential positive duty. But this positive duty is not exactly the same as the jurisprudential *positive duty* that arises immediately out of Genesis 9:6. This jurisprudential positive duty at the interface between non-jurisprudential ethics and jurisprudential ethics is merely a positive duty to satisfy the myriad needs and desires inherent in being human through contracts or not through contracts, but never through bloodshed. And when such needs and desires are satisfied through contracts that have penalties for breach, that general ethical positive duty changes into a general jurisprudential positive duty. But this general jurisprudential positive duty to enter contracts instead of damaging other people is not the same as the jurisprudential positive duty identified in Genesis 9:6. The general jurisprudential positive duty is a duty to prefer entering into penalty-bearing contracts to satisfy myriad needs and desires, over satisfying such needs and desires through bloodshed. The specific jurisprudential *positive duty* found in Genesis 9:6 is focused specifically on executing justice against people who perpetrate bloodshed. So this specific *positive duty* is encompassed within the ambit of the general jurisprudential positive duty. The specific jurisprudential *positive duty* to execute justice is a subset of the general jurisprudential positive duty to satisfy myriad needs and desires through contracts. At least this is true to whatever extent the specific duty is executed through contracts and compacts rather than by way of a lone vigilante. It's reasonable to say that the specific duty is part of hard-core jurisprudence, while the general duty is soft jurisprudence. The hard-core is focused specifically on damage that arises either *ex delicto* or *ex contractu*, while the soft is merely aimed at satisfying myriad needs and desires through penalty-bearing contracts.

As should be clear by now, two duties are at the crux of secular jurisprudence. The first duty, the *negative duty*, is the core motivation of global human law, while the second duty is more in the nature of a suggestion or a good idea that people can follow as they see fit. So the first duty, the duty to avoid damaging other people, is a natural duty that every natural person owes to every other natural person. This *negative duty* is the core of secular jurisprudence because it applies to all people everywhere. It is also the core ingredient in the definition of natural rights (in the human-law sense of that term), because all people have a natural right to not be damaged by other people. Although the *negative duty* is the core motivation of human law, by itself, it is not human law because it must have enforcement mechanisms to be human law. — The general positive duty is not really a duty in the human-law sense of the word, because there is no human-law penalty for disobedience to it. It is a duty under natural law but not under human law. There is a positive duty to go

procure whatever is necessary, and because of the *negative duty*, this positive duty has a corollary that is a duty to satisfy the positive duty in a way that doesn't damage other people, *i.e.*, in a way that doesn't violate the *negative duty*. This general positive duty is therefore at the interface between that aspect of the field of ethics that is not jurisprudential and that aspect of ethics that is globally jurisprudential. This general positive duty to satisfy the myriad needs and desires that arise out of being human necessarily takes the shape of a positive duty to do it in a way that doesn't damage other people. Because of the nature of the *negative duty*, one of these myriad needs and desires is a *positive duty* to enforce against anyone who violates the *negative duty*. But even though this *negative duty* is the motivational core of global human law, this specific *positive duty* to enforce is still nevertheless basically a good idea that people can follow as they see fit.

The *negative duty* is the only lawful source of what Anglo-American jurisprudence has historically called "public law",[1] because public law inherently applies to everyone. The positive inclination towards the creation of contracts is the true source of what Anglo-American jurisprudence has historically called "private law",[2] because private law does NOT inherently apply to everyone. Contracts by definition create terms that

1 "public law" — "A general classification of law, consisting generally of constitutional, administrative, criminal, and international law, concerned with the organization of the state and the people who compose it, the responsibilities of public officers to the state, to each other, and to private persons, and the relations of states to one another." (**Black's 5th**, pp. 1106-1107) — As indicated, constitutional, administrative, and *international law* have been included historically in the category of public law. Contrary to the statist bias of the "general classification", constitutional, administrative, and *international law* are really private law. — Because Anglo-American law has historically failed to distinguish private law and public law in a way that's rationally consistent with this Bible-based legal structure, this exposition generally avoids this nomenclature.

2 "private law" — "As used in contradistinction to public law, the term means all that part of the law … which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals." (**Black's 5th**, p. 1076) — Historically, private law has included not only law arising out of private, local contracts, but also cases in which there is private, extra-contractual damage, *i.e.*, torts, *i.e.*, private *delicts*. This definition thereby indicates that private law has historically included both actions against private *delicts* and actions *ex contractu*. Contrary to the statist bias of this definition, private *delicts* should not be included in private law. Arranging the categories as American law has historically arranged them muddles the issues, obscures natural rights, and reflects an inherently statist bias. — Because Anglo-American law has historically failed to distinguish private law and public law in a way that's rationally consistent with this exposition of biblical law, this exposition will generally avoid this nomenclature.

are laws the contract imposes on the parties. So the duties that arise out of contracts are local and private instead of global and public. Such contract-based duties apply only to the parties to the contract, in contrast to the proscription of non-contractual damage, which applies to everyone, *i.e.*, which is global. The negative duty imposed by any given contract on all parties to the contract is, "Don't break the contract."

Under natural law, every human being has a *negative duty* to avoid damaging every other human being regardless of whether the damage arises out of the violation of a contract or not. Under jurisprudence that has existed for millennia, failure to abide by this *negative duty* consists of an act that damages someone else, and this act has been called a *delict*, unless the damage arises out of the violation of a contract. So hard-core jurisprudence consists of essentially two different subject-matter jurisdictions, the jurisdiction pertaining to legal actions *ex delicto* and the jurisdiction pertaining to legal actions *ex contractu*. To keep human law properly within the context of this Bible-based legal structure, it should help to note the following generalizations:

(i) Ethics is a sub-function of natural law that consists of one leg of the natural-law tripod,[1] where the other two legs are laws of nature in operation exogenous to any given human, and laws of nature in operation endogenously.

(ii) Ethics is concerned entirely with the issue of what decisions, choices, judgments, actions, and behaviors contribute to living a perfect life.

(iii) Jurisprudence is a sub-function of the field of ethics that deals with human law, meaning law that humans impose on other humans.

(iv) Jurisprudence in the hard-core sense of the word pertains exclusively to the issue of what to do in response to violations of the *negative duty*, meaning in response to violations of the global duty not to harm other people.

(v) Jurisprudence in the hard-core sense of the word consists of two and only two subject-matter jurisdictions, the jurisdiction pertaining to actions *ex delicto* and the jurisdiction pertaining to actions *ex contractu*.

(vi) Jurisprudence in the soft sense includes knowledge about how to

1 In fact, ethics is an academic field within philosophy. But the word is being used herein to include the individual's more informal acts of making choices. In other words, this exposition treats ethics and morality as largely synonymous.

structure contracts so that the contracts satisfy the mutual goals of the parties without inflicting harm on any of the parties in the process, and without perpetrating *delicts* on anyone not party to the given contract.

(vii) Jurisprudence in the soft sense is a sub-function of ethics that pertains to the structuring of human relations through contracts.

Although jurisprudence in this soft sense can be distinguished from jurisprudence in the hard-core sense, it is not really separable from it.

The entire field of hard-core jurisprudence is composed of its two and only two overarching subject-matter jurisdictions. These two jurisdictions arise out of the two and only two sources of damage perpetrated by people against other people. The two overarching subject-matter jurisdictions are the jurisdiction of legal actions *ex delicto* and the jurisdiction of legal actions *ex contractu*. These two overarching subject-matter jurisdictions within natural law's sub-field of hard-core jurisprudence encompass and exhaust the entire field of hard-core jurisprudence. This is obvious because hard-core jurisprudence is exclusively about damage perpetrated by one person or group of persons against another person or group of persons, and such damage can only happen through breach of a contract, or not. Both damage through breach of contract and without any contract are functions of the *negative duty*. Damage perpetrated by one person against another, outside of any contract, is by definition a *delict*. — In many respects, the overriding emphasis in the natural-rights polity, as it's been expounded so far, has been on hard-core jurisprudence. In this exposition of Bible-based *international law*, the emphasis must necessarily change to soft jurisprudence. That's because the emphasis in *international law* needs to be primarily on how to structure relations between aggregate entities in this global, secular environment.

It's necessary to conclude that a rational and holistic approach to ethics requires that ethics be encompassed by a rational and holistic approach to natural law, and it requires a rational and holistic approach to jurisprudence, where hard-core jurisprudence must be distinguished from soft jurisprudence, and where hard-core jurisprudence is focused entirely on responding to damage perpetrated by one human party against another human party, and where hard-core jurisprudence is thereby limited to two and only two overarching subject-matter jurisdictions. The two overarching subject-matter jurisdictions are (i)the jurisdiction that adjudicates actions *ex delicto*, and (ii)the jurisdiction that adjudicates actions *ex contractu*.

Regarding soft jurisprudence, contracts are formed to satisfy the mutual goals of parties, and it's implicit in all contracts that damage by one party or group of parties against another party or group of parties is something that the parties should at least

attempt to avoid. It's also implicit in all lawful contracts that the contract should not be a conspiracy to perpetrate *delicts* against people who are not party. Implicit within this approach to jurisprudence is also the conviction that governments are inherently contractual. This means that contracts that form governments should not be conspiracies to perpetrate *delicts* against non-parties. It's also implicit that constitutional, administrative, and *international law* are also inherently contractual. The fact that governments are inherently contractual entails that they can arise out of the consent of the parties, and only out of the consent of the parties. Given that governments are inherently contractual, they must necessarily fall within these parameters established by the *negative duty* that encompasses all hard-core jurisprudence: "Don't damage other people." And of course the ethical corollary of this jurisprudential *negative duty* is this *positive duty*: *To construct a firewall against people who damage other people, people should enter into agreements and contracts to penalize people who damage other people.* This *positive duty* is included within the encompassing positive duty to enter into contracts to satisfy the myriad needs and desires that arise out of being human. This particular *positive duty* is the lawful incentive behind every *secular* human government. Governments clearly arise out of this impetus to enter agreements and contracts. Because human governments are so prone to damaging people, through international wars, there is clearly a strong incentive for governments to enter into contracts with one another where the contracts are aimed at defusing such wars. To whatever extent they are lawful under the natural-rights polity, treaties are contracts between human governments that certainly encompass hard-core jurisprudence. But philosophical discussions about how to structure these contracts exist entirely within the realm of soft jurisprudence. Because *de facto* contracts that are treaties may be almost entirely unlawful relative to the natural-rights polity, the whole field of *international law* may presently be almost entirely within the arena of soft jurisprudence that cannot be lawfully enforced.

To properly prepare for the upcoming examination of the soft jurisprudence of *international law*, it should be helpful to recapitulate, (i)the overall goal of human action within the extra-jurisprudential arena; (ii)the overall goal of human action in the soft jurisprudential arena; (iii)the overall goal of human action in the hard-core jurisprudential arena; and (iv)the relative jurisdictions of *secular* and *religious compacts*.

(i)This Bible-based natural-law theory has claimed that the goal of all human action is life in harmony with God, eternal law, and natural law. This is true even of actions by people who refuse to acknowledge that God and/or natural law exist. Under Bible-based natural law, all humans have a natural duty to live in complete harmony with natural law, a natural right to live in complete harmony with natural

law, and a normal / common inability to live in complete harmony with natural law. Life in harmony with natural law is the overarching motive for every human action, so it's the overarching motive for every action in the extra-jurisprudential arena.

(ii)Within the jurisprudential arena, every human has a jurisprudential natural right to pursue his/her vision of harmony with natural law without having that right *trespassed* by other people. Within the soft jurisprudential arena, this means that people have natural rights to enter into agreements and contracts with one another, where such agreements and contracts have the overarching goal of promoting life in harmony with natural law for every party within the given agreement / contract. Such agreements and contracts include agreements / contracts aimed at enforcing human laws *ex delicto* and *ex contractu*, which is a crucial aspect of hard-core jurisprudence.

(iii)The overall goal of human action within the hard-core jurisprudential arena is the prosecution of people who damage other people, where the damage is caused by *trespassing* against the other's natural right to pursue his/her vision of harmony with natural law. Such damage can happen by two means, and only by two means: through breach of a cognitive contract and NOT through breach of a cognitive contract. So while soft jurisprudence includes formation and administration of contracts in general, hard-core jurisprudence pertains to the actual enforcement, adjudication, *etc.*, of human laws that exist *ex delicto* and *ex contractu*. It especially includes enforcement, adjudication, *etc.*, by way of a *social compact* that encompasses both a *jural compact* and an *ecclesiastical compact*.

(iv)A *secular social compact* is a contract whose sole purpose is the execution of justice against people who damage other people *ex delicto* or *ex contractu*. This sole purpose should be understood to be broad enough to include the execution of defensive war. So such a *compact* is a contract in which the parties agree to execute justice against perpetrators, regardless of whether the perpetrators abide within the territorial jurisdiction or not. Because the motivation for the formation, maintenance, and execution of such a compact arises immediately out of the global natural duty to avoid damaging other people, the rules of evidence in secular cases and controversies includes exclusively evidence that can be recognized by practically any person from any culture. *Delicts* include murder, rape, kidnapping, theft, embezzlement, fraud, the initiation of unprovoked war, *etc*. Because *secular social compacts* have this narrow and exclusive subject-matter jurisdiction, and this global personal jurisdiction, such compacts are capable of encompassing *religious social compacts*, as long as such *secular compacts* strictly forbear meddling in the terms of *religious social compacts*. This narrow subject matter necessarily includes honoring what Rothbard called the "inalienability of the will" and the "title-transfer theory of

contracts".[1] It also disallows introduction of "naked promises" into secular courts, as though such promises were concrete evidence.[2] The subject-matter jurisdiction of lawful *secular social compacts* is limited to the arena of hard-core jurisprudence. — In contrast to a *secular social compact*, a *religious social compact* is not aimed exclusively at addressing the global natural duty to avoid damaging other people. Instead, its subject-matter jurisdiction is aimed more generally at a society that operates in harmony with natural law. This is a comprehensive contract entered and formed voluntarily through the consent of people who commit themselves to live in community through the terms of the *social compact*. The overall goal of people in a given *religious social compact* is pursuit of community in harmony with natural law, above and beyond the harmony pursued collectively under the immediate jurisdiction of a *secular social compact*. Because of this aim at conformity to natural law in general, *religious social compacts* can enforce laws that are unique to the given community. For example, *religious social compacts* can enforce "naked promises" like laws enforcing monogamous marriage, laws pertinent to keeping Sabbath, laws pertaining to religious holidays, laws pertaining to the diet that may be peculiar to the community, laws pertaining to the education of children, *etc*. Unlike *secular social compacts*, the *in personam* jurisdiction of *religious social compacts* is limited to people who voluntarily enter into the compact.[3] The construction of *religious social compacts* is definitely embedded primarily in the arena of soft jurisprudence.

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1 Regarding "inalienability of the will", see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**, "An Expanded View of Private Jurisdiction: Pre-Cognitive Consent & Pre-Cognitive Contracts", and "Nullification of Pregnancy Pre-Cognitive Contract versus Transformation of It into Cognitive Bailment Contract". — Regarding the "title-transfer theory", see the same sections in the memorandum on personhood, as well as sections above, "Social Compact" and "The Natural-Rights Polity as Metaconstitution, Internal". — URL: http://BasicJurisdictionalPrinciples.net.

2 Regarding naked promises, especially why they are not admissible evidence in *secular* courts while they are admissible in *religious* courts, see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**, "An Expanded View of Private Jurisdiction: Pre-Cognitive Consent & Pre-Cognitive Contracts", especially its subsection, "Pre-Cognitive Contract Between Mother and Pre-Natal Person". — URL: http://BasicJurisdictionalPrinciples.net.

3 An exception to this claim exists under the jurisdiction of a *religious social compact*'s *jural society*. For more about this exception, see the above exposition of the *metaconstitution*.

Sub-Chapter 3: "International Law" as an Outgrowth of the Natural-Rights Polity

Hugo Grotius' exposition of *international law* in **The Law of War and Peace** exists entirely within the arena of soft jurisprudence. It is entirely about how to develop an international community of "nations" through a system of presumably bilateral treaties. Grotius formulated a vision of an international society of states governed by mutual agreements and laws, rather than by warfare and force. It's reasonable to conceive of Grotius' international community as a precursor to the present, *de facto* international community that's based on a system of multilateral and bilateral treaties governed by the United Nations. Both the present *de facto* system and Grotius' system exist in stark contrast to the *metaconstitution*.

The exposition of the *metaconstitution* shows how a confederation of *secular social compacts* and *religious social compacts* can be constructed. All the rules and guidelines pertinent to the construction and maintenance of the *metaconstitution* are also pertinent to the construction of a global community of such *secular* and *religious social compacts*, where such a community would conform to the *metaconstitution*. Like the *de facto* legal system in the *united States*, current *de facto international law* is so at odds with the *metaconstitution* that the transition from the existing system to the *metaconstitutional* system is likely to be traumatic to many people, especially to people and institutions that are dependent upon *de facto* laws and institutions that are inherently unlawful. — On the other hand, the transition to the global *metaconstitution* is crucial to the avoidance of global catastrophe. So, *Let justice be done though the heavens fall.*[1] — In both Grotius' soteriological commitments and his legal philosophy, the historical setting for his development of each makes it obvious that the overriding concern in each was peace between warring Protestants and Catholics. In both his soteriology and his legal philosophy, he was trying to posit a middle ground that would facilitate peaceful coexistence. Although he did not live to see it, each of these two enterprises has been largely successful over the subsequent centuries. That this success is historical fact is clear in the existence of the Westphalian Peace, on one hand, and in the dominance of Arminianism among western Protestants, on the other. The cost of this success has been the sacrifice of biblical truth on the soteriological front, and the establishment of statist regimes that care little about natural rights even while they pay lip service to them, on the jurisprudential front.

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1 *Fiat justitia, ruat cælum.* — **Black's 5th**, p. 561.

According to the *metaconstitution*, treaties are simply contracts that exist between *social compacts*. In the case of both *religious* and *secular social compacts*, the primary jurisdictional constraints on treaties are the same as constraints on all contracts: Treaties cannot lawfully call for the perpetration of *delicts*. Also, because they are contracts, they are based on the consent of those party to them. Under the *metaconstitution*, the parties are not mythological sovereigns posited by statism, as they are according to Grotius, *et al*. Instead, the parties in *de jure* treaties arise out of the unanimous consent of individual human beings, the same way all other contracts do.[1] To whatever extent such consent is circumvented, the treaties are unlawful and void *ab initio*. Because the subject-matter jurisdiction of *religious social compacts* can be extremely broad, the subject matter of treaties between *religious social compacts* can be equally as broad.[2] On the other hand, because the subject-matter jurisdiction of *secular social compacts* is extremely narrow, the subject matter of treaties entered by *secular social compacts* is limited to the same narrow subject matter. So treaties between *secular social compacts* and *religious social compacts* are constrained to being no broader than the subject matter of the *secular social compact*. Likewise, treaties between one *secular social compact* and another are constrained to being no broader than the subject matter of a lawful *secular social compact*.[3] But existing nation-states currently vastly overreach this narrow subject-matter jurisdiction, and so do the treaties between them. — As is evident in the section above, "The Natural-Rights Polity as Metaconstitution, Internal", the standard legal definition of *international law* is not compatible with the natural-rights polity. Because *de facto international law* is severely dysfunctional, virtually all *de facto international law* needs to be replaced with contracts that do not violate the *metaconstitution*.

A brief examination of the Vienna Convention on the Law of Treaties should suffice as a foretaste of why *de facto* treaties generally deserve to be repealed, repudiated, and in some respects replaced. Article 27 of this "convention" states,

> A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.[4]

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1 Obviously, the larger the number of people presumably covered by a contract, the less likely the contract exists by way of real unanimous consent of the parties. But this shortcoming is ameliorated in some contracts by way of the fact that pre-cognitive consent to avoid perpetrating *delicts* exists globally.

2 In fact, it's probably inappropriate to call contracts between *religious social compacts* "treaties".

3 The reasons for these strict jurisdictional constraints are expounded in the above encampment at Genesis 9:6.

4 URL: http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf, retrieved 29 November 2016.

"[P]arty" here indicates a *de facto* government that is party to the given treaty. The "party" is sometimes referred to as a "person in international law". Like "person" in *de facto* corporate law, "person" in *de facto international law* is a *legal fiction*. — To see how this convention is jurisdictionally dysfunctional, suppose a *de facto* treaty conflicts with the subject-matter jurisdiction of a *de jure secular social compact*, while it does not conflict with the subject-matter jurisdiction of the *de facto* government, where the *de facto* government is gestating the *de jure social compact*. If people living under the *de facto* government decide to repudiate the jurisdictional dysfunction, and insist on the birth of *de jure* government, *de facto international law*, according to the Vienna Convention, will present an obstacle to such transition to *de jure* government. It will do so by insisting that the *de facto* treaty is more important than the *de jure* government. This shows a disregard in *de facto international law* for the consent of the governed. It manifests a conception of human government that is utterly devoted to statism. This examination of Article 27 may be a mere glimpse at *de facto international law*, but such law is so utterly committed to statism that it should be simple for anyone to prove that it generally is not compatible with the biblical prescription of human law.[1]

The only plausible exception to the general need to repeal, repudiate, and/or replace *de facto international law* pertains to the few terms of *de facto* treaties that appear to protect natural rights. But *de facto international law* has redefined natural rights as "human rights", where "human rights" are not given by God, but are rather privileges that are dispensed by human governments.[2] This is a ruse to keep organized crime out of sight, like "the Great Oz" running a confidence game on the gullible.

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1 The United Nations Treaty Collection (URL: http://treaties.un.org) is a great place for the gullible to get brainwashed in the *secular* globalist agenda.

2 The first significant international instrument that used the expression, "human rights", was the Universal Declaration of Human Rights, "proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217A)". Although much of this declaration is compatible with natural rights as herein described, much of it is not. For example, (i)Article 22 states, "Everyone … has the right to social security"; (ii)Article 23 states, "Everyone has the right to work"; and (iii)Article 24 states, "Everyone has the right to rest and leisure". Without specific definitions of these "human rights", and of how people are supposed to acquire these "rights", these positive declarations give the impression that someone, somewhere, is obligated to provide these things to those who need them. By default, that someone is presumptively the state. But what is most significant is the statement in Article 29: "These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations". What governments give, they can take away. — URL: http://www.un.org/en/universal-declaration-human-rights/index.html, retrieved 6 April 2017.

Statism is thus a facade to disguise massive international crime. Because almost the entire *de facto* infrastructure of *international law* depends upon the existing fiat-money, fractional-reserve banking infrastructure to such a huge extent, the entire system has been absorbed by byzantine fraud. It's therefore inherently dangerous to try to find anything good in *de facto international law*. This *de facto* system is devoted to a belief that the common man is too dumb to consent to its doings, and that the common man's consent is therefore irrelevant. In fact, for a long time, the common man has known little about what these globalists do or about the great impact their connivings have on his everyday life. Because of its profound disregard for natural rights, almost all *de facto international law* needs to be allocated to the dung heap of history, and replaced with genuine contracts that are compatible with the *metaconstitution*. Replacing such laws with *de jure* laws is much more difficult than merely dumping them, and is precisely why this examination of Grotius' legal philosophy is important.

The *de facto* system's assumption that it should treat each nation-state as a singular party to international contracts, as though each individual human being within the nation-state's territorial jurisdiction gave his/her consent to being a cog in this machine, another assumption that has never been true and probably never will be this side of the New Jerusalem, is an assumption that has existed in *international law* at least since the Westphalian Peace. These two assumptions, (i)that governments should be treated as persons in *international law*, and (ii)that each such government should ignore its population's lack of consent to the nation-state's "international" negotiations, are two things that were built into Grotius' legal philosophy. They were built into his legal philosophy by way of his distinction between "right of equality" and "right of superiority".[1] The "right of superiority" is the basis for the assumption that the state has an inherent right to exist, and that this superior "sovereign" (king, queen, emperor, whatever) and his/her agents have this "right of superiority" over common folk. There are no inherent grounds for this "right of superiority" in the natural-rights polity, which means that a state party to a proposed international agreement has, in fact, no authority to represent his/her people unless those people have, in fact, given their individuated approval to that representation.[2] Such "right

1 Grotius, Book I, Chapter 1, section III.

2 According to the natural-rights polity, every human gives pre-cognitive consent to the Noachian covenant, which entails pre-cognitive consent to avoid commission of bloodshed, meaning pre-cognitive consent to avoid damaging other people. This *negative duty* is accompanied by a penalty, which exists via the *positive duty* to execute justice against violators of the *negative duty*. But the *positive duty* is not accompanied by an express penalty. So the penalty against people who violate the *positive duty* exists in natural

of superiority" is not really a right, because such superiority is based on presumption, if not on arrogance and delusion, and the "right" is thereby stolen. In contrast, the "right of equality" can be conceived as a function of the natural-rights polity, because all people have the *imago Dei*, and are thereby equal in natural rights. Contrary to Grotius' position on this issue, "right of superiority" cannot be set in opposition to the "right of equality" willy-nilly. In fact, "right of superiority" can only exist when there is genuine consent between parties that one is superior to the other, and of course this entails some definition of limitations for such superiority.[1]

This "right of superiority" is linked inevitably to the superiority of the ruler that clearly exists in the face-value reading of Romans 13:1-7. That interpretation doesn't recognize that the responsibility for enforcing against people who damage other people is a universal responsibility under natural law. It doesn't recognize that unlike the *negative duty*, this *positive duty* to enforce doesn't readily translate into human law. So people cannot be lawfully forced to adopt superiors in this arena, at least not by human-initiated force. God can certainly use the force of the natural law to do whatever He chooses. But this is not true of humans. When humans assume that they lawfully have this power under Romans 13, they automatically adopt the "right of superiority", and this "right of superiority" shows up in *international law* as the establishment of particular people as "sovereign". From such misbegotten sovereignty, treaties arise that recognize nation-states as singular persons and parties to these international contracts. — If one assumes that treaties are always confined to a subject matter that is compatible with, and encompassed by, the subject-matter jurisdiction of a lawful *secular social compact*, treaties and *international law* are simple and straightforward. But of course *de facto international law* does not presently follow this simple guideline. The biggest problem with *de facto international law* is that it has been utterly statist for so long. It has a momentum towards global empire

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law, but not in globally prescribed human law. So the *positive duty* can only be lawfully executed via a local lone vigilante, a local vigilance committee, or a local contract, the latter being either a *jural compact* or an *ecclesiastical compact*. No one has license to force anyone with capacity into participation in any government or treaty.

1 Examples: A cobbler is superior in shoe-making to a non-cobbler. A policeman is superior at policing to someone who specializes in something else. A professional farmer is superior at farming to a car dealer. So the "right of superiority" is really a function of a society's division of labor, and whether any given entity in the society recognizes the "right of superiority" of another is a function of that person's cognitive consent, and cannot be presumed by a court to exist without sure evidence. People get to choose who they recognize as their superiors, as a general rule. Exceptions to the rule pertain to people who lack capacity. For more on this subject, see Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

that is masked by a facade of beneficence. That façade makes the existing system especially dangerous.

In *international law*, treaty negotiations require the presence of the sovereigns, or the presence of their duly designated agents. How can the sovereign, as defined by the *metaconstitution*, lawfully appear at treaty negotiations? — According to the Bible, every human being is a miniature sovereign in training, and God alone is truly sovereign over the universe, because God alone is the creator and sustainer of the universe, doing so through eternal law and natural law. The *de jure* sovereign in biblically prescribed human law exists whenever two or more people contract with one another to enforce the *negative duty* of Genesis 9:6.[1] Sovereignty in the human-law sense exists whenever jurisdiction is established, as described at the Genesis 9:6 encampment. At least such jurisdiction defines the internal sovereign, the sovereign formed through agreement between individual people and applicable within the lawful jurisdiction. In contrast to internal sovereignty, *de facto international law* is concerned almost entirely with external sovereignty, sovereignty outside the lawful jurisdiction of any given *social compact*. External sovereignty pertains to the face that a *social compact* presents to entities outside the compact's territorial jurisdiction. In keeping with the spirit of Paul's admonition in 2 Corinthians 6:14-18, a *de jure social compact* must exercise extreme caution in dealing with entities in the international community that do not adhere to the Bible's global prescription of human law. This is because such *international* nation-states are inherently inimical. Even so, it should be possible for a *secular social compact* that follows the natural-rights polity to enter into treaties with such inimical entities as long as such contracts are confined to the extremely narrow subject matter of the *secular social compact*'s subject-matter jurisdiction. For example, such a *secular social compact* might enter into an extradition treaty with such an inherently inimical entity. But entry into a treaty with such an inimical entity, outside that extremely narrow subject matter, is a sign to all that the otherwise *de jure secular social compact* willingly cooperates with the *secular* globalization agenda that all humanity should now recognize as a "giant sucking sound" coming from international banking, the United Nations, international trade agreements, most treaties, and numerous other entities and

1 Because every human being is mandated to execute justice under the *negative duty clause*, every miniature sovereign is called, bare minimum, to be a vigilante. So to whatever extent genuine justice can come out of vigilantism, the vigilante is a *de jure* sovereign under biblically prescribed human law. But because vigilantism is error prone, the procuration of justice is more reliable under lawful compacts, and so is *de jure* sovereignty under *de jure* human law. Also, because vigilantism is volatile rather than perpetual, its sovereignty is also volatile.

instruments that follow an inherently evil globalization agenda. Compounded by the fact that *de facto international law* is a smoke-and-mirrors minefield, no *de jure secular social compact* should negotiate with a non-*de jure* government outside this extremely narrow subject matter. It's probably a good idea to send ambassadors to educate and investigate. But it's never a good idea to negotiate outside this extremely narrow subject matter.

Because there is presently tremendous momentum towards the international centralization of power, refusal by some international entities to acknowledge the kind of sovereignty that comes out of the natural-rights polity is probable. It's reasonable for a *de jure* sovereign to seek to negotiate a treaty with a non-*de jure* entity only with extreme caution. In fact, it's not reasonable for a *de jure* entity to even seek recognition from those *de facto* governments. However, if two or more *de jure secular social compacts* acknowledge each other's existence, then it's reasonable for these entities to send representatives to negotiate a treaty. As long as it doesn't change the basic subject-matter jurisdictions of the compacts, such a treaty would be like the agreement between the States that formed the *u.S.* Constitution, except that the States would be *de jure secular social compacts*, and the resulting treaty would be completely compatible with the *metaconstitution*.

According to statism, the state has some right to exist as the supreme sovereign over its population. According to this exposition of the natural-rights polity, this is a gross distortion of the truth. The truth is much closer to what Chief Justice John Jay stated in *Chisholm v. Georgia*:[1]

> [A]t the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects …, and they have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.

If interpreted by the *metaconstitution*, this view of sovereignty is compatible with the *de jure* confederation.

The centralization of power that is built into *de facto international law* embodies the Tower-of-Babel, group-think syndrome that is now in operation in the world. In repudiation of that syndrome, the sovereign formed by a *secular social compact* that is an umbrella compact for a confederation of *de jure social compacts* presents itself to the outside world as a glorified vigilance committee. The *de jure* sovereign is formed by the agreement of miniature sovereigns. The jurisprudential sovereign is the agreement. This *de jure* sovereign presents the same face on both internal and

1 2 U.S. 419, 471 (1793). — URL: http://supreme.justia.com/us/2/419/case.html, retrieved 29 November 2016.

external fronts. If it turns two-faced, it turns unlawful. The agreement, the face, and the *de jure* sovereignty all stipulate the *de jure* sovereign's territorial jurisdiction, subject-matter jurisdiction, and *in personam* jurisdiction. If this *de jure* sovereign sends any agent, as ambassador, to any external place, the subject matter of the ambassador's negotiations should be limited by several questions: Given my *secular social compact*'s extremely narrow jurisdictional calling, how can our respective *social compacts* help each other within the bounds of this extremely narrow calling? To be more specific, how can your government help my *secular social compact* to enforce the universal prohibition of *delicts*, and how can my *secular social compact* help your government to do the same? Likewise, how can our respective *social compacts* help each other regarding legal actions *ex contractu*? — With these things said, it's clear that the following is a paramount consideration in *de jure international law*: What are the jurisdictional limitations on this *metaconstitutional* confederation's treaties with the world outside the confederation?

(i) Natural Rights in International Law

After examining Grotius' conception of natural law above, and showing that from a biblical perspective, he has serious problems in that arena, it's reasonable to expect problems of a similar magnitude in his conception of natural rights. Natural rights are based on the biblical fact that all humans are endowed with the *imago Dei*. From this fact derives the concept of property, where property is central to the existence of *de jure* human law. Based on the *imago Dei*, every human naturally possesses his/her **primary property**. Implicit within the existence of **primary property** is the capacity to have a just claim, a right, to own **secondary property**. In his conception of rights, Grotius doesn't begin with this line of Bible-based reasoning. Instead, he takes a more multiplicitous approach to rights.

Early in his book, Grotius emphasizes that sovereigns have a right to wage war against other sovereigns. He apparently emphasizes this claim to offset passivist inclinations in some Christian sects. The title of the first chapter of Book I is "On War and Right". It's apparent from the title that he intends to dive directly into the most important issue in "international" affairs, which is war. But it apparently occurs to him that if he intends to speak of the "right of war", he should undergird his argument with a definition of rights. So he spends most of Chapter 1 focused on that. So after offering a glib definition of war as "the state of contending parties" (Book I, Chapter 1, section II), and after admitting that this definition is broad enough to encompass practically any dispute, and after introducing concern about whether any war is just or not (I, 1, III), he spends most of the rest of the chapter focused on depicting the characteristics rights.

Grotius indicates that connected to the "right of equality" is right as "a moral quality annexed to the person" (I, 1, IV). This can be comprehended as similar to natural rights based on the *imago Dei*. But as already indicated, this "right of equality" is set in opposition to the "right of superiority" (I, 1, III), which has already been shown to have a dubious status, especially because it's supposedly built into the distinction between the statist sovereign and his/her citizens. This "moral quality annexed to [every] person"

> comprehends the power, that we have over ourselves, which is called liberty, and the power that we have over others, as that of a father over his children … It likewise comprehends property … There is a third signification which implies the power of demanding what is due …. (I, 1, V)

This description of "moral quality annexed to the person" may be close to Bible-based natural rights, but: Power that people have over others can only justly arise through contracts, or at least through consent.[1] So it's not really a natural right because it arises out of contracts rather than immediately out of human nature. That power arises mediately out of human nature because it is mediated by at least one contract. It is therefore a contractual privilege instead of a natural right. The power that people have over themselves is implicit in their self-ownership. So is the power of demanding what is due, and so are all the lawful things that people can do with **secondary property**. — Grotius shows no signs of rationally detecting this "moral quality annexed to the person" within the *imago Dei*. At least he certainly doesn't do so systematically. Instead, he induces these principles from his study of screeds of ancient and contemporary case law. Given that natural rights are a fundamental aspect of biblically revealed natural law, it's hazardous to rely entirely upon induction from general revelation, including from screeds of case law, for one's definition of natural rights.

Given that the arguments above have abated the "right of superiority", it's possible to scrutinize Grotius' conception of rights more thoroughly. In Chapter 2 (I, 2, I), he again focuses on war by basing his arguments on "the rights of nature". Paraphrasing Cicero, he "calls the care, which every animal … feels for itself and the preservation of its condition … a principle of nature". He hereby indicates the survival instinct as a principle of nature. He does this as a starting place for discussing just war. There's no doubt that the survival instinct exists among all organisms in nature. But reliance upon this instinct puts humans on a par with

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1 The way that parents get such contractual power over their children is a major subject within Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

animals. If there's anything that the Darwinian theory of evolution has shown, it's that the survival instinct is an unreliable foundation for human law, because it leads immediately to the elimination of natural rights.[1] In spite of this, the Bible certainly doesn't discourage the survival instinct. The Genesis 9:6 mandate certainly allows self-defense, and even encourages it.[2] Reasoning from the survival-instinct, Grotius claims that war is an acceptable aspect of the human condition because animals do it, which shows that it's natural. He claims further that the use of force "is no way dissonant to the principles of nature" (I, 2, I). This line of reasoning obscures the distinction between what constitutes a just use of force and what doesn't.[3]

According to Grotius, a "natural right" is not merely a naturally occurring just claim. It's "the dictate of right reason" that shows by such "rational nature" whether any "act is either forbidden or commanded by God" (I, 1, X). In the same way that "those things are called just, in which there is no injustice", things are naturally right if they are not naturally wrong. By this definition, Grotius claims natural rights relate both to "things that exist independent of the human will" and things that don't. This is another fundamental assumption that leads him into jurisdictional dysfunction. Because things do not have the *imago Dei*, they do not have rights. In biblically prescribed human law, only people have rights. Among other problems, the assumption that things have rights leads to the conclusion that feudal concepts of land and personal property are lawful. They aren't.[4] **Secondary property** is not independent of the human will.[5] — (i)Self ownership is innate and transcends human choice. So body ownership is absolute.[6] (ii)**Secondary property** is on a

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1 How could a herd of wildebeests prosecute a lion for killing one of their own?

2 His argumentation here is more evidence that Grotius is inducing law from what's normal, rather than from what's natural. He induces rules from principles, and induces principles from observation. Most of the principles and observations come from ancient, pagan sources.

3 The fact that Grotius here argued more for the right to wage war than for the distinction between just war and unjust war, may be related to his audience. Because Grotius' presumed audience was kings, emperors, magistrates, and other "rulers", perhaps he felt compelled to allay whatever guilt they may have felt (no doubt with help from Anabaptist passivists, who were such easy victims) about their use of force in those religious wars.

4 Why? See the Genesis 9:6 encampment.

5 **Secondary property** can only exist via a human's claim, *i.e.*, will, choice.

6 Even though it's absolute because it is inherent in every human's life, such life, even such absoluteness, can be nurtured sometimes only through dependency upon others. — There is ample evidence in history to support the claim that many people would rather be slaves than accept the duties involved in taking absolute ownership over oneself. This

continuum from absolute ownership to encumbered ownership, where encumbered property entails multiple owners.

This confusion about what's naturally right and naturally wrong leads to confusion about what property is and what it isn't. According to the natural-rights polity, the word "right", as used in "natural right", refers to a just claim, and that's all it refers to. The word "just" in this definition refers to conformity to natural law, and that's all it refers to. But Grotius offers three different significations for the word "right": (i)"right is that, which is not unjust" (I, 1, III); (ii)"right is a moral quality annexed to the person" (I, 1, IV); and (iii)"Right … has the same meaning as the word Law, taken in its most extensive sense, to denote a rule of moral action … [T]he law obliges us to do what is proper, not simply what is just" (I, 1, IX). These other definitions of "right" may have their legitimate places in traditional jurisprudence, but when introduced willy-nilly into biblical jurisprudence, they sponsor jurisdictional dysfunction. — As seen, the second definition, "right is a moral quality annexed to the person", comes closest to the definition of natural right that arises naturally out of Genesis 9:6 and the *imago Dei*. — The first definition, that what's right is what's not unjust, really doesn't convey any more information than a redundancy, because it's saying, right's what's just, and what's just is what's not unjust. — In the third definition, he's not bothering to distinguish natural law (which certainly includes moral law) from human law. By using this "extensive" definition, he's essentially saying that if it's moral law, then it should be human law. Again, this leads to the assumption that all moral law should be enforced as human law without regard to jurisdiction, the essence of jurisdictional dysfunction. It conflates moral law and biblically prescribed human law, which are two different things.

Grotius confirms the natural-rights polity to the extent that he agrees that "whoever killed a murderer should be innocent". But he also claims that based on Mosaic law, violations of "reputation, chastity, conjugal fidelity, submission of subjects to their princes" (I, 2, V) are also grounds for capital punishment in which the punisher should not be held liable. It's certainly reasonable to see justice in capital punishment for murder and other gross *delicts*. It's even reasonable to see justice in capital punishment for violations of reputation, chastity, and conjugal fidelity, as long as it arises as valid human law under a *religious social compact*. Because the

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preference is equivalent to refusing to do all the hard mind work involved in renewing one's mind in Christ, and to reconciling oneself to God and to the natural law. It's a refusal to love God with all of one's mind, as well as with all of one's heart and soul and strength, and a refusal to seek miniature sovereignty. This absolute ownership stands in spite of such wrong headedness and frailty. — Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**; URL: http://BasicJurisdictionalPrinciples.net.

Mosaic covenant is a *religious social compact*, and not a *secular social compact*, it might even be valid to execute capital punishment for violation of these things under the Mosaic covenant. But as was expounded at the Genesis 9:6 encampment, violation of things like reputation, chastity, and conjugal fidelity are not grounds for capital punishment under the original jurisdiction of a *secular social compact*. (i)Violation of reputation may be a *delict*, and therefore punishable under globally prescribed human law, but to claim it is a capital offense exceeds the bounds of proportionality. (ii)Violation of one's own chastity, such as in extra-marital intercourse, is certainly unwise. But assuming that such a violation of chastity is consensual to all parties involved, it is not a *delict*, but is a *trespass*-free *malum in se*. As such, it is not punishable under the immediate jurisdiction of a *secular social compact*, although it is certainly lawful to punish it under the jurisdiction of a *religious social compact*. (iii)Violation of conjugal fidelity is not a *delict*. It is violation of a marriage covenant. As such, it is not punishable under the immediate jurisdiction of a *secular social compact*. One might attempt to prosecute it *ex contractu* in a *secular ecclesiastical* court. But under the lawful jurisdiction of such a court, naked promises are not admissible as evidence.[1] Because marriages are usually based on naked promises, such *ex contractu* litigation would probably not be successful under a lawful *secular social compact*. — Under a *secular social compact*, violations of reputation, chastity, and conjugal fidelity cannot be lawfully subject to capital punishment, even though they certainly could be under a *religious social compact* like the Mosaic covenant. But violations of the "submission of subjects to their princes" are not really punishable under either the Mosaic covenant or a *secular social compact*.

The society under the jurisdiction of the Mosaic covenant being a theocracy, there were no princes, so Grotius' claim on this point is without merit. His judgment that a subject should suffer capital punishment for violating his/her need to be submitted to his/her princes is also without merit, but for different reasons. — Under the statism generated by the face-value reading of Romans 13:1-7, princes and other kinds of rulers certainly exist, and they certainly deserve the kind of submission Grotius claims they deserve. But when one relies on the jurisprudential interpretation of Genesis 9:6 as a source for the definition of "rulers", and the definition of the other terms of art in the Romans 13 passage, one realizes that all humans are called to be rulers to some degree. In a society's division of labor, most people are rulers

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1 To see why naked promises are not admissible evidence in *secular* courts, see Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**, "An Expanded View of Private Jurisdiction: Pre-Cognitive Consent & Pre-Cognitive Contracts", especially its subsection, "Pre-Cognitive Contract Between Mother and Pre-Natal Person". — URL: http://BasicJurisdictionalPrinciples.net.

by proxy, meaning that they have other people fulfill their obligations under the *positive duty clause*. All people are certainly called to be subject to genuine non-by-proxy enforcers of the Genesis 9:6 *negative duty*. But as is clear in the Genesis 9:6 encampment, under biblically prescribed *secular* human law, there is no punishment prescribed or mandated for anyone who refuses to submit. So there is no capital punishment lawfully available under a *secular social compact* for anyone who refuses to submit to their supposed prince.

Under the natural-rights polity, people never give up the right to self-defense. Nor do people give up the right of inflicting punishment on perpetrators. Under the natural-rights polity, every person continues to have a right to punish in a more-or-less private manner, such as, for instance, as a lone vigilante, or as a more public vigilance committee inflicting punishment on a perpetrator. By assuming the validity of the "right of superiority" and the necessity of "submission of subjects", in short, by believing in the myth of statism, Grotius goes a long way towards eradicating these global rights of self-defense and inflicting punishment from his legal philosophy. He compensates on the self-defense front by citing Exodus 22:2 as his rationale for not entirely disallowing self-defense (I, 3, II). He says, "[T]he liberty of private redress … was greatly abridged after courts of justice were established" (I, 3, II). Then he indicates in the same section that Moses allowed self-defense, citing Exodus 22:2. This exemplifies several problems that are pervasive in Grotius' work. One such problem is his assumption that once upon a time, people formed "courts of justice". It's certainly true that in Genesis 9:6, God mandated the existence of law courts. But there is no evidence either biblically or extra-biblically that law courts have ever been established in a way that is not jurisdictionally dysfunctional. They have never been established systematically. So it's reasonable that plenty of leeway would be allowed for people to execute justice as they see fit. Grotius clearly allows for self-defense, based on Exodus 22:2. But by relying upon this passage to justify self-defense, he is again applying a term from a *religious social compact* to a *secular* jurisdiction, an application that is inherently jurisdictionally dysfunctional. In spite of this error, he's right in recognizing that self-defense is lawful under a biblical prescription of global human law. He's right in spite of his hermeneutic, rather than because of it. But his statement that the "liberty of private redress … was greatly abridged after courts of justice were established" is wrong. It may be true as a historical fact about how nation-states have developed, but it's not true as a legal principle. Not only do people retain the right of self-defense, but they also retain the "liberty of private redress". Private redress may be more haphazard than seeking justice and equity from a more public court, but there's nothing in the biblical prescription of global human law that disallows "private redress" and the right of inflicting punishment upon people who truly deserve it.

By discouraging the right of "private redress", Grotius is essentially asserting that the mythological state should have a near monopoly on the use of force. He'll make an allowance for self-defense, but other than that, he believes that the state should retain all other rights of redress of grievances. He repeatedly posits a legal theory that he never bothers to prove, namely, that "inflicting punishment" once "belonged to individuals", but passed "into the judicial authority of sovereign states and princes" (II, 20, XL). He claims that this right of inflicting punishment devolved upon the "rulers of others". He claims that this right "can belong to no subject" (II, 20, XL). This is essentially an agenda for disarming a nation-state's population. Because of their dedication to the mythology of statism, statists generally love this process of disarming people. In contrast, the framers of the organic documents of the *united States* recognized the nefarious nature of statism, and they knew that governments could be terribly criminal. That's precisely why they ratified the 2nd Amendment, to ensure that the people would not be disarmed by their own government, and that the ultimate right of "inflicting punishment" would be retained by the people at large.

Grotius focuses on distinguishing the human "voluntary right" into either deriving from a "civil right" or not. A "voluntary right" is a right that derives from the will (I, 1, XIII). By common sense, the human will is the power to choose. So a "voluntary right" is a right to which one consents. He defines a civil right as one that derives from the "civil power" (I, 1, XIV). "The civil power is the sovereign power of the state. A state is a perfect body of free men, united together in order to enjoy common rights and advantages." (I, 1, XIV) This again assumes that the state has some right to exist, when in fact, he has offered no proof that the state has a right to exist. — Because there is no "perfect body of free men" anywhere, by this definition, the state doesn't exist. In fact, in the American legal tradition, the Declaration of Independence states clearly, (i)that all humans are "created equal"; (ii)that all humans "are endowed by their Creator with certain unalienable rights"; (iii)that "to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed"; (iv)that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it"; and (v) that "when a long train of abuses and usurpations … evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government". Grotius' conception of rights does not recognize this collection of rights and duties that are fundamental to the American legal system. Instead, he conceives of the "civil power" as "a perfect body of free men", whose perfection clearly precluded "the right of the people to alter or abolish it". So according to both the natural-rights polity and the American legal system, the "voluntary right" has no

inherent dependency upon the "civil right" or the "civil power", because these latter are functions of statism, which has no inherent existence.

To his hodgepodge of ideas about what constitutes rights, Grotius adds a distinction between "private" rights and "superior" rights (I, 1, VI). He makes it clear that private rights are those that exist for individuals, whereas superior rights are those that mark claims that the state has upon individuals and their property, "for the public good". Here he's again relying upon the presumption that the state has a right to exist, an assumption that he never bothers to prove. He hereby claims that the statist sovereign has a superior right "over the property of his subjects". In the process, he relies upon eminent domain, something that's inherently dependent upon the mythology of statism. So this distinction between private rights and superior rights is another that withers under scrutiny, along with his presumed sovereign. And of course claims to other people's property by someone who claims also to have a monopoly on the use of force is merely extortion, and in this case, a protection racket.

This hodgepodge of "rights" is what Grotius recognizes as the basis for *international law*. In contrast, the natural-rights polity recognizes natural rights and only natural rights as the basis for the global *metaconstitution*. One important feature of this hodgepodge is that individual human beings are generally not recognized as persons within the jurisdiction of *de facto international law*, because only the jurisprudential sovereign and its agents are recognized as persons under such law.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(ii) Sovereignty in International Law

Jurisprudential sovereignty arises in the natural-rights polity from the agreement of miniature sovereigns. While it may be true that jurisprudential sovereignty doesn't arise from the lone vigilante, or from the vigilance committee, because their existence is volatile, it's also true that jurisprudential sovereignty arises from the same incentive that motivates the creation of vigilantes, namely righteous indignation and hunger for justice. As indicated at the Genesis 9:6 encampment, when such hungry people enter into an agreement that stipulates the perpetual existence of such a committee, that's when the jurisprudential sovereign is formed. But under the natural-rights polity, this perpetuity cannot exist at the expense of enslaving anyone, not tax payers in the contemporaneous generation, not offspring who could be forced to participate

later, and not anyone else in any degree.[1] This source of jurisprudential sovereignty shows that on this front, Grotius is at odds not only with the natural-rights polity, but also with fundamental principles in American jurisprudence.

In contrast to Chief Justice John Jay's opinion in *Chisholm v. Georgia*, Grotius repudiated the claim that "sovereign power is vested in the people" (I, 3, VIII). In his attempt to refute such claims, he offered arguments aimed at defending the "right of superiority". In his opinion, the claim that the "sovereign power is vested in the people, so that they have a right to restrain and punish kings" (I, 3, VIII), could be refuted on several grounds.

Grotius says: "[I]t appears that any one might engage himself in private servitude to whom he pleased. Now if an individual may do so, why may not a whole people"? (I, 3, VIII) — For an individual to seek such servitude, all the individual needs is the conviction of his/her own mind, and a willing master. For a whole people to seek and surrender such servitude to a willing master, each individual within the whole people must have the same conviction. Among thinking people in this fallen world, such conviction and consent do not come as easily as Grotius supposes. To pretend that the whole people agree when in fact they do not is to feign consent for the sake of enslaving the whole people. Simply calling something consensual doesn't make it so, in spite of the overwhelming propensity among 21st-century statists to pretend that it makes it so. — In this argument Grotius appears to presume that individuals have sovereign rights that they can surrender. Contrary to this pretense, the natural-rights polity contends that every human is a miniature sovereign in training, and that any attempt by such human at surrendering such sovereignty, to anyone other than God[2] is to miss the mark. The jurisprudential sovereign in the natural-rights polity is merely a function of a division of labor. Surrendering miniature sovereignty to a fallen human is something that inherently violates natural law, and should not be confused with working within a lawful division of labor. Doing the latter doesn't require surrender of miniature sovereignty. It requires the miniature sovereign's cognitive consent to the division of labor. So pretense that individuals have sovereign rights that they can surrender to some other human or group of humans builds the state on *delict*-perpetrating delusion. Who do these government-perpetrated *delicts* damage? Whoever dissents from this pretended agreement of the "whole people", among others. This means that Grotius' scheme is inherently unlawful. It's built on the pretense that people have consented when they haven't.

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1 Other than to the extent found practically inevitable in the execution of justice, as indicated at the Genesis 9:6 encampment.

2 Or to anyone who is not an object secondary to God in such surrender to God.

Grotius says: "[A] nation … may chuse what form of government she pleases. Nor is this right to be measured by the excellence of this or that form of government, … but by the will of the people." (I, 3, VIII) — From this, it appears that he resorts to the will of the "whole people" for the choice of polity. Is this choice of the whole people a majority in which the choice of the minority is spurned and ignored? If that's the case, then this is not a real "whole people". It's a strawman set up by unscrupulous people for the sake of enslavement. Only when the "will of the people" is expressed through genuine unanimous consent is such talk about the "will of the people" not inherently dubious.[1] The dubious quality of Grotius' claim here is magnified by the fact that choosing any form of government other than the natural-rights polity is in effect the ratification of a contract dedicated to perpetrating *delicts*.

Grotius says: "There may be many reasons indeed why a people may entirely relinquish their rights, and surrender them to another: for instance, they may have no other means of securing themselves from the danger of immediate destruction, or under the pressure of famine it may be the only way, through which they can procure support." (I, 3, VIII) — Insecurity in the face of threats of war and famine may indeed be the reason "why people may entirely relinquish their rights, and surrender them to another [human or set of humans]". But such excuses do not relinquish people's responsibilities under the natural-rights polity. These reasons may be understandable, and people who fall into such circumstances certainly deserve sympathy and pity. But fallen humans are not capable of being genuine sovereigns over other people, and it's the essence of delusion to think otherwise. So when people are in dire straits, neither they nor their potential sovereign should pretend that it's not a violation against God and nature to "entirely relinquish their rights, and surrender them to another".

Grotius cites Aristotle and claims that he proposed that some men are fit to be slaves. Grotius concurs, and claims that "some nations are of such disposition" also. (I, 3, VIII) — This more openly conveys the attitudes behind Grotius' conception of jurisprudential sovereignty. On one hand, there's no doubt that different people have different aptitudes for different vocations. That's an undeniable aspect of the human condition, and it explains why a society's division of labor is good and inherent in human cultures. But to contort that fact into a proposition claiming that some people deserve to be slaves, and to have their natural rights denied by a class that supposedly

1 Such unanimous consent can include explicit consent by each individual to abide by majority rule. If such explicit prior consent is missing, then so is unanimous consent, except under the rare circumstances in which really unanimous consent exists without prior consent to abide by majority rule.

deserves to be their masters, is to deviate from nature into the perverse. This kind of attitude may be common and normal in traditional religions and philosophies,[1] but there is no basis for it in the Christian Bible when it's interpreted through this hermeneutic. It's existence in Western civilization has been part of the historical arguments for feudalism, "divine right of kings", colonialism, and imperialism, none of which is compatible with the natural-rights polity, even if they are compatible with Grotius' legal philosophy and *de facto international law*.

Grotius says: "[T]here never was any government so purely popular, as not to require the exclusion of the poor, of strangers, women, and minors from the public councils." (I, 3, VIII) — Certainly only qualified people should have a voice in the "public councils". This automatically eliminates people who lack capacity: the insane, those who have not been emancipated from guardian-ward contracts (*i.e.*, minors), and foreigners (*i.e.*, "strangers"). But to say all the poor lack capacity is to admit that one is in favor of a caste system, and the poor don't really bear the *imago Dei*. A similar conclusion applies to women.

Grotius says: "[T]he assertion that the constituent always retains a controul over the sovereign power, which he has contributed to establish, is only true in those cases where the continuance and existence of that power depends upon the will and pleasure of the constituent: but not in cases where the power, though it might derive its origin from the constituent, becomes a necessary and fundamental part of the established law." (I, 3, VIII) — Grotius is here admitting that if the "constituent" contributes to the establishment of "sovereign power", he/she thenceforth ceases to have control of it. That means that the father who contributes to such establishment is enslaving his son, because the father is simultaneously surrendering the control mechanisms. It's comparable to the deist's conception of God: He created everything and set everything in motion, then walked away to have no more interaction with His creation. This view of universal sovereignty is foolish, and so is Grotius' view of jurisprudential sovereignty. When people, meaning each "constituent", agree to the formation of the jurisprudential sovereign, it's imperative that each constituent retain an element of control of that "sovereign power". For people to loose control of their government is a sure source of tyranny. Grotius' claim that the "constituent" does NOT "retain controul over the sovereign power" is equivalent to a claim that it's possible for the miniature sovereign to lawfully abdicate his/her fundamental responsibilities in the jurisprudential arena. There's nothing in Scripture to support this claim, and the historical evidence shows that Grotius is recommending unconditional surrender to tyranny.

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1 For example, it certainly exists in Plato, Aristotle, the Hindu **Vedas**, and the Islamic **Koran**.

Grotius claims that it's not true that "all kings are made by the people". As an example of how this is true, he cites "an owner admitting strangers to reside upon his demesnes on condition of their obedience, and of nations submitting by right of conquest". (I, 3, VIII) — It's one thing for people to enter into agreements with a land owner regarding their behavior while on his/her land. It's something else entirely to enter into subservience to a psychopath who refuses to recognize the natural rights of those who consensually enter upon his/her land. Likewise, for a psychopath to conquer a people in war and to thereafter demand to be exalted as sovereign king, is the essence of psychopathy. For people like Grotius to put a stamp of approval upon such "divine right" psychopathy is itself psychopathic.

In all of Grotius' attempts at refuting the claim that "the sovereign power is vested in the people", he fails. It's certainly been true that there has been a shortage of mechanisms through which people could exercise their jurisprudential sovereignty, but that shortage doesn't entail that jurisprudential sovereignty has ceased to be one of their fundamental responsibilities. What Grotius calls the sovereign, whether it be king, emperor, or something else, isn't really the jurisprudential sovereign because at best, it is nothing more than one more role in a society's division of labor. For this entity to use the power of his/her office to take more authority than is lawful under the division of labor, is an act of "trenching upon God's kingdom and government", quoting Martin Luther.[1]

Grotius' attempt at refuting the claim that "the sovereign power is vested in the people" may have failed, but he nevertheless goes on to claim sources of sovereignty other than the people. For example, he notes that sometimes states that he considers lawful arise out of freebooting communities (III, 3, III). No doubt Rothbard would applaud this observation, because Rothbard believed that all nation-states are based on plunder. Of course Rothbard would claim that Grotius' claim here doesn't go far enough, because it doesn't admit that all states are based on plunder. Because all states are and have been jurisdictionally dysfunctional, this exposition of basic jurisdictional principles must agree with Rothbard on such an assessment.

In passing, Grotius likens "sovereign princes, magistrates, and rulers of every description" to "parents" (II, 20, XXX). So he also essentially claims that every country is composed primarily of children who need parents even long after they've entered the age of majority. This doctrine, *parens patriae*,[2] has a long history in Anglo-American jurisprudence, and it continues to be used in 21st-century American

1 Martin Luther, "On Secular Authority" (1523 AD, a sequel to "Appeal to the German Nobility", 1520). — URL: https://www.tapestryofgrace.com/year2/corrections/pdcs/Govt2-16 (On Secular Authority).pdf, retrieved 17 March 2017.

2 Latin for "father of the country".

courts. The American doctrine is most prominently applicable to children, the mentally ill, and other people whom the courts and legislatures deem incompetent. But States "also invoke *parens patriae* to protect health, comfort, and welfare of the people … and the general economy of the state".[1] It is clearly an aspect of municipal law.[2] As such, it has no lawful place within a *secular social compact*. Because *de facto* American States, as well as America's general government, are *de jure* only to the extent that they function as *secular social compacts*, there is clearly no lawful place for this supposed source of sovereignty except within *religious social compacts*. Rulers are not lawfully parents of their countries, even if they might be in some kind of figurative sense.

Grotius' conception of jurisprudential sovereignty adds an extra source of human law to the two sources existing in the natural-rights polity. He says, "[T]he rights due to us arise from three sources, which are contract, injury and law." (II, 17, I) — While the natural-rights polity holds that there is one ethical duty that is the sole lawful source for all hard-core jurisprudence, specifically, the universal prohibition of damage to others, this duty enunciated in the *negative-duty clause* gives rise to two and only two kinds of legal action, actions *ex delicto* and actions *ex contractu*, and these two can be construed to be the only two sources of biblically prescribed human law. But Grotius says there are "three sources" of "rights", by which he means three sources of laws. Contract and injury are equivalent to contracts and *delicts*. But when he says "rights" (meaning laws in this context) arise from "law", he indicates that the resulting laws arise out of the statist sovereign, rather than from these two more natural sources. Grotius is essentially setting the so-called sovereign above the law, as a source of edicts for all the munchkins in his corral. That this is precisely the kind of totalitarian meaning that Grotius gives to this third source of human law is evident in something he says later. He says, "[T]he sovereign has the same power over the persons and actions of his subjects, as over their property." (III, 20, LII) This is essentially the attribution of God-like powers to a human or set of humans who are as much sinners as anyone else. This is reminiscent of what Thomas More is reputed to have said about King Henry VIII's marriage when the king put More on trial for treason: "If the earth were flat, could the king's decree make it round? If the earth were round, could the king's decree make it flat?" The answers are obviously NO!, NO!, because the king is not God. Even though this is obvious to all people of normal intelligence, this doesn't stop the long parade of

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1 **West's Encyclopedia of American Law**, 2nd ed., 2008, The Gale Group Inc. — URL: http://legal-dictionary/thefreedictionary.com/parens+patriae, retrieved 5 April 2017..

2 Meaning municipal law as it's defined above, at the Genesis 9:6 encampment, not municipal law as it's defined in *de facto international law*.

statism. Grotius allows his sovereign to violate the moral law leg of the natural law by being above ordinary human law, and even by being above the Bible's global prescription of human law. The king is allowed this immunity because, according to the typical misinterpretation of Romans 13:1-7, he has been ordained by God to be the "sovereign" and ruler.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(iii) What Is Just War?

Based on the principle that Genesis 9:6 allows people to defend themselves whenever necessary, it's reasonable that a society bound together by a *social compact* would also be allowed to defend itself through war if attacked through war. Under Genesis 9:6, the aggressing entity is inherently wrong, and deserves proportional retribution. If war ("the state of contending parties" — I, 1, II) exists between two people as a result of one aggressing against the other, proportional response is relatively easy to discern. If it exists between two nation-states, it's not as easy to discern. Because *de facto* nation-states are not genuinely based on consent, there are likely to be numerous people within the aggressing nation's population who are not accessories to the aggression, and therefore don't deserve retribution. This, among other things, makes the execution of justice in the international arena much more complicated.

In Book II, Chapter 24, section II, Grotius highlights reasons "to dissuade us from urging the full infliction of punishment". Punishment is certainly an aspect of Genesis 9:6 proportional retribution. But Genesis 9:6 assumes that the accused is genuinely guilty, and that the accused is not a scapegoat, and is not misidentified as the guilty party for some other reason. So Genesis 9:6 implicitly assumes that sufficient care is taken in the execution of justice. Like the maxim says, "The wheels of justice grind slowly, but they grind exceeding fine."[1] This methodical approach to justice is far less available in the heat of the moment, for example: when one is defending oneself or one's loved ones against imminent attack; or when one enters into warfare with one's nation's enemies, in which one either kills or is killed. In the latter situation, the millstones of human justice do not grind fine, and in some ways they don't grind slowly either. The millstones of God's justice never stop

1 Variations of this maxim are attributed to Henry Wadsworth Longfellow's translation of a 17th-century poem by Friedrich von Logau ("*Sinngedichte*"), and also to Greek philosopher Sextus Empiricus (c. AD 160 - c. 210).

grinding fine and true, but human law in such circumstances is often ambiguous and rough, far more so than in the execution of justice against local *delicts*. In fact, in international affairs, meaning relations between massive groups of people, it's prudent to adopt a general rule that while it's lawful and legitimate for such a large group to act decisively in its self-defense, it's not prudent for it to enter into war for the sake of punishing the other group. So in such international affairs, it's generally lawful for one massive group to enter war for the sake of self-defense, and thereafter to assume a motivation to punish. But it's not generally lawful for one massive group to initiate war for the sake of punishment.

Grotius is more ambiguous in regard to motivations for just war. In some places he indicates that just war can be entered for punishment's sake, while in others, he gives reasons to discourage entry into war for the sake of punishment (II, 24, II). In spite of his waffling, the weight of his opinion seems to be on the side of self-defense only. He says, "Injury, or the prevention of injury forms the only justifiable cause of war." (II, 1, I) He also indicates that, "[I]n the language of Augustin, all the evil consequences of war are to be laid at the door of the aggressor." (II, 1, I)

Although Grotius says, "The grounds of war are as numerous as those of judicial actions" (II, 1, II), the causes of war under present international circumstances should be limited to defense. The problem with mass action is that it is necessarily based on hearsay. It is necessarily based upon what is hearsay to any given individual within the mass of people. In the case of localized cases of damage by local party against local party, the litigation usually depends upon witnesses who have personal knowledge of the offense, where that personal knowledge is verifiable and documented due to the proximate nature of this kind of evidence. But in the case of mass action by nation-states, it's relatively easy for nefarious leaders to flummox whole populations with false-flag attacks and controlled information distribution, where evidence is NOT proximate, and therefore consists of hearsay in the ears of the population in general.

As already indicated, Grotius offered a glib definition of war: "the state of contending parties" (I, 1, II). This definition doesn't indicate whether the war is violent or not, or whether it's between debaters, street brawlers, or nation-states. It was probably necessary for Grotius to make this kind of glib generalization for the sake of basing his conception of *international law* on his conception of rights. This **exegesis** has discovered a different foundation for the definition of rights, and has already expounded it. So there is really no reason to cover the same ground again by including debaters and street brawlers in the discussion. So in this discussion, war will be defined as ***a state of violent contention between two or more parties,***

where the parties are large sets of people, where each party is operating as a unit towards defeat of its enemies.

Even though this **exegesis** has already essentially addressed debaters and street brawlers in the Genesis 9:6 encampment, it's important to recognize that Grotius introduced distinctions between private war, public war, and mixed war (I, 3, I), which relate. It's important to recognize these distinctions for the sake of understanding *de facto international law*. In Grotius' scheme, street fighting is private war because it's between private individuals, while war between nation-states is public because it's between public individuals, meaning between *de facto* sovereigns. He says,

> Now public war is carried on by the person holding the sovereign power. Private war is that which is carried on by private persons without the authority of the state. A mixed war is that which is carried on, on one side by public authority, and on the other by private persons. (I, 3, I)

This is another instance in which he is parading his statist bias. His division between public and private assumes the existence of the state, because "public" assumes both that the state has a God-given right to exist and that a human sovereign exists who is above the law. But because all contracts are private unless they have *in personam* jurisdiction over every human within the contract's territorial jurisdiction, by obvious consent from every such human, *secular social compacts* are almost always private, except within their very narrow subject-matter jurisdiction. The same way this fact conflicts with *de facto* conceptions of public and private laws, and public and private *delicts*, as indicated above, it conflicts with Grotius' conception of public and private war.[1]

In biblically prescribed human law, there is a clear proportionality between damage and punishment at the local level. But this proportionality tends to break down at the mass-action level due to the fact that assignment of blame becomes fuzzy. At the mass-action level, evidence is dominated by hearsay, and real, proximate, concrete evidence is much harder to find and reliably propagate. This fact supplies reasons for why punishment is not a reliable motive for just war. When concrete and verifiable evidence of the need for defensive measures is recognized and propagated throughout the power centers of a *social compact*, where the *social compact* follows the natural-rights polity, such a *social compact* is certainly justified in going to war. That necessity is really tangible only when there is a genuine need for defense of the polity. Punishment alone doesn't rise to that level of need, even though polity

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1 Regarding public and private laws, see the section above, "Interface Between Natural Law and Human Law Revisited", within this encampment. Regarding public and private *delicts*, see the Genesis 9:6 encampment, especially sub-chapters 1 and 7.

defense certainly does. Punishment is something to be executed upon a judicial finding of guilt. Where guilt is uncertain, punishment should not exist. On the other hand, the need for defense is much easier to ascertain. Propagating war for the sake of redress for injuries is also spurious, because how and when injuries have been redressed at a nation-state level is also relatively difficult to ascertain, relative, that is, to defense. — It's important to note that if just war is limited to defensive war, then in any given war, "just war" is a valid description of the given war only to one side, only to the side that's victim of the initial aggression, because the other side is inherently unjust in its aggression. As already indicated, although Grotius practically says the same thing in prominent places in **The Law of War and Peace**, he also is far more ambiguous about this issue in other places. In short, he waffles on this issue. Late 20th-century and early 21st-century legal philosophers, particularly those who fall into the so-called "Political Realism" camp, take advantage of this same ambivalence in *de facto international law* by claiming, in effect, that there is no morality in international affairs, and that the supreme rule in this arena is, in effect, the ***survival of the fittest***. This makes international affairs essentially amoral and Machiavellian. In contrast to this belief, this exposition has been led inexorably to the conclusion that there is no escape from morality in human affairs, as long as people have a need to make choices.

The fact that shortage of reliable information at the mass-action level, among other things, creates a need to confine the execution of justice under the *negative duty clause* to self-defense at this level, and to thereby forgo punishment by one mass group of another mass group, indicates that there is a need to have an adjustable sensitivity to damage. Some subject matters demand an increased sensitivity to damage, while other subject matters demand less sensitivity to damage. One could conceive of this as an adjustment of one's sensitivity to pain by adjusting the thickness of one's skin. By this way of thinking, it's important for a people who contemplate going to war to be thick-skinned and insensitive in regard to the initiation of punishment against another mass group. Because of the hard-to-verify nature of information at the mass-action level, it's necessary for the people responsible for a given *social compact* to be less sensitive, and more hardened and callous, as a general rule, at this mass-action level. It's necessary for them to set the adjustable-sensitivity-to-damage dial to EXTREMELY INSENSITIVE. The prime example of this kind of insensitivity to damage to one's own society, pertains to the presumed execution of a just war for the sake of punishment, at a time when there is no verifiable threat against the *social compact* or confederation of *social compacts*. Under such circumstances, the danger of execution of an unjust war under the pretense that it's a just war is high. The foreign society may genuinely deserve to be punished. But it's better to be thick

skinned, and to forgo executing the punishment, because the foreign society may also genuinely NOT deserve to be punished by foreign humans.

If this adjustable sensitivity to damage is set extremely low in regard to issues involving international war, it's reasonable to say the sensitivity to damage is set to NORMAL in the local, "domestic" arena, as described at the Genesis 9:6 encampment. Practically everything in that encampment assumes NORMAL sensitivity. There are also circumstances in which this adjustable-sensitivity-to-damage dial should be set to HYPER-SENSITIVE. There is a kind of damage that is spread thin over an entire population and is hardly noticeable at the local level, but which is devastating, in the long haul, to the polity. Such damage is like a fungus that erodes the polity in subtle ways over time, thereby threatening the polity's eventual collapse. A prime example of this is fractional-reserve banking, which debases the currency used within the society. According to some ways of looking at fractional-reserve banking, it is inherently fraudulent, and therefore unlawful on its face.[1] But others argue that it's not inherently unlawful because it doesn't inherently damage anyone. In fact, the damage to any given person is so negligible that American courts generally refuse to recognize any given person's standing to sue in regard to this issue. But fractional-reserve banking inherently damages the polity by debasing the society's currency. Even if the damage it causes to any given human being on any given day is negligible, the long-term damage to the polity is not. — Another example of a situation in which this sensitivity dial needs to be set to HYPER-SENSITIVE is in ownership of tangible (corporeal) property that is within the territorial jurisdiction of the given *social compact*, where the property is owned by people who are not party to the given *social compact*. In other words, foreign ownership of property.[2] It's a problem because it is piecemeal surrender of control of the *social compact* to foreigners. Such surrender of control is a source of gradual corrosion, and the result can be the ruin of the polity from within the society. — Topics like fractional-reserve banking, fiat money, and foreign ownership of property within a *social compact*'s territorial jurisdiction may have nothing obvious to do with just war theory. But this adjustable-sensitivity-to-damage is critical in international affairs, and especially needs to be understood within the context of just war.

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1 Regarding fractional-reserve banking and what's wrong with it, see the Mises Institute. — URL: https://wiki.mises.org/wiki/Fractional_reserve_banking, retrieved 12 February 2017.

2 This does NOT include property owned by *denizens*, but only property owned by aliens. This exception for *denizens* is necessary for reasons indicated in the Genesis 9:6 encampment.

This concept of adjustable-sensitivity to damage is much more conducive to implementation of the natural-rights polity in the international arena than Grotius' approach to war, especially given his distinction between public war, private war, and mixed war. Given that the jurisprudential sovereign in the natural-rights polity is the mutual consent of the society's miniature sovereigns, the "punish wrongs" (II, 1, XVI) motive for "public war" is inherently bad, for reasons already given. — Some abolitionists believed that the North's motive in its aggression against the South in the War Between the States was to free the slaves and to punish the masters. But facts show the North's motives were something different, on the whole, something far less admirable. The War Between the States would have been classified as "mixed" in Grotius' system, because in his system, it would have been a war between an existing, "public" "sovereign" and a collection of "private" parties committing insurrection against the sovereign. But as surely as the American colonies had a right to secede from Great Britain, the Southern States had a right to secede from the North. That means that it's not accurate to call that war "mixed", any more than it's right to assume that the Northern government was the "public" "sovereign". It's certainly true that the South had no right to practice slavery. But it would have been better for the North to do two things than for it to aggress against the South: (i)to simply recognize that the foreign entity (the South) did not practice the natural-rights polity; and (ii)to acquiesce from collective aggression, *i.e.*, to acquiesce from punishment of "wrongs". Doing these two things would have been better than it would have been for the North to try to solve with war a problem that was essentially ideological and composed of a collection of local *delicts*, as opposed to *delicts* perpetrated by the South against the North. The slaves had a right, even a duty, to rebel, and each human bystander had a right and duty to help them. But this does not readily translate into a good reason for a foreign *secular social compact* to initiate war against States that foster slavery. Such an initiation of war would necessarily be punitive rather than defensive. It would have been better for the North to forgo entry into such a punitive war. But that doesn't mean that it would not be correct for private entities to make war on the existing slavery institution. Such a private war on slavery would probably be "mixed", where "private" entities would be initiating war against the South's "public" slave State. But it might have also been entirely private, where "private" entities would initiate war against "private" slave masters.

Because it's the function of the *jural society* to prosecute *delicts*, and because the preeminent reason for going to war is to defend the *jural society*'s larger community from *delicts* perpetrated from outside the community, it's reasonable that the decision to go to war would rest largely within the *jural society*. On the other hand, while the officers within the *jural society* might be sufficient for everyday "domestic" confrontation of *delicts*, they probably would not suffice for war with an

outside entity. Such wider combat would necessitate the calling forth of the militia. Because the militia would be composed of many more people than the number of officers within the *jural society*, the decision to go to war would necessarily require the acquiescence of the people within the militia. Assuming that the *social compact* exists by way of unanimous, prior consent to abide by majority rule, it's necessary to recognize that each person within the militia's command structure would have some say about whether the war was necessary or not, and might acquiesce to majority rule. Overlooking Grotius' use of the word "public", he says something about "public war" that relates to these circumstances. He says, "Public war … is either solemn, that is, formal, or less solemn, that is, informal" (I, 3, IV). This relates to a lawful *social compact*'s act of going to war like this: A *jural society* might need to respond to an act of aggression from some mass entity outside the natural-rights confederation, and to do so immediately, without a formal calling forth of the militia. Even though Grotius' conception of "public war" has no place within the natural-rights polity, it's reasonable for the natural-rights polity to recognize the need for a "less solemn … informal" declaration of war by the *jural society*, versus a more "solemn … formal" declaration of war by the given society at large. This is comparable to the distribution of war powers that exist within the organic *u.S.* Constitution. When subjected to a *metaconstitutional* interpretation, that document provides a pattern for the formal and informal execution of war. Under such circumstances, that document,[1] in regard to war, should be largely compatible with the natural-rights polity.

Grotius emphasizes that the "right of making formal and lawful war" is "vested in the sovereign power alone" (III, 3, IV). He says that this right "includes those who have any share in the sovereign power". He also indicates that this right includes citizens of a sub-state of a confederacy. If all of his terminology on this subject were defined within the context of the natural-rights polity and *metaconstitution* rather than by him, the gist of Grotius' meaning here would be helpful. — According to the *metaconstitution*, the *de jure united States* is a confederation composed of *secular social compacts* that have been historically identified as States. These fifty States are united into a confederation by a treaty, where the treaty is the *u.S.* Constitution. This treaty is the *secular social compact* that unites the States / *secular social compacts*. The territorial jurisdiction of this unifying treaty / *secular social compact* has historically been primarily the so-called "District of Columbia". According to the *metaconstitution*, each State is only lawful if it has a subject-matter jurisdiction that is the same as that of a strictly-defined *secular social compact*. Each State / *secular social compact* is composed of counties. Counties are presently only lawful if they, too, have subject-matter jurisdictions that are the same as that of a strictly-defined *secular*

1 Especially Article I § 8 clauses 11, 15, and 16; Article II § 2 cl. 1; and Amendment II.

social compact. Likewise, each county / *secular social compact* contains various cities and towns. Such urban entities are presently only lawful if they, too, have subject-matter jurisdictions that are the same as that of a strictly-defined *secular social compact*. Within the original jurisdiction of each *secular social compact* that is encompassed by the *metaconstitution* are *religious social compacts*. In order to simultaneously preserve the freedom of religion and eliminate the jurisdictional dysfunction that has existed within this confederacy from its inception, it's necessary for *religious social compacts* to form under the original jurisdiction of each city / town, county, State, and federal jurisdiction. — Assuming that such a lawful *metaconstitutional* confederation exists, it's necessary to ask and answer the question: How does this confederation wage war? Answering this question must necessarily encompass Grotius' distinction between wars that are formal versus informal, solemn versus less solemn.

The initial answer to this question relies upon a *metaconstitutional* interpretation of the *u.S.* Constitution, especially of Article I § 8 clauses 11, 15, and 16; Article II § 2 clause 1; and Amendment II. Because this scenario assumes that each State abides by the natural-rights polity, there should be no need for war between the States. So the concern about how to wage war is focused on measures that aim at defending the confederacy as a whole against external aggression from entities that have no real commitment to the natural-rights polity. These articles of the organic Constitution might not be sufficient for the hazards of modern warfare, but if each *secular social compact* within this hierarchy of *social compacts* is understood to exist by way of unanimous consent that is based on prior consent by each individual to abide by majority rule, then it's possible for each tier of the hierarchy below the top tier to be lawfully represented at the top tier. The top tier would obviously be the primary entity through which conflicts with entities outside the *metaconstitutional* confederation would need to be resolved. The organic Constitution gives Congress the power to declare war, which is the "formal" and "solemn" act that would have the capacity to call forth the militias from lower levels of the hierarchy. But imminent threats would need to be addressed by the "Commander in Chief" prior to entering into the complexities of legislative deliberations on solemn, formal declaration of war. This entails that some military powers would need to reside under the original jurisdiction of the top tier, for the sake of meeting the need for informal, less solemn execution of defensive war. All this is obvious from a *metaconstitutional* reading of the organic document. But what is not as obvious from such a reading is the fact that each *social compact* below the top tier also retains its basic right of self-defense. This means, for example, that if foreign invaders cross borders into *metaconstitutional social compacts*, militias within those *social compacts* have an inherent and natural right to retaliate, for the sake of self-defense, without any order or approval from entities in upper tiers. Such retaliation would also be informal and less solemn.

While it's obvious that under the natural-rights polity the designation, "just war", only applies to one side of the given war, this is not the case in Grotius' philosophy.

> [I]t is a maxim introduced and established by the consent of all nations that the wars which are declared and conducted by the authority of the sovereign power on both sides are alone entitled to the denomination of just wars: And the enemy has no right to demand restitution for what the prosecution of such wars has reduced him to abandon through fear. … [A]ny thing given up to pirates or robbers, through fear, is no lawful prize: But it may be recovered … This is not the case with the captures made in just war. (II, 17, XIX)

While there are essentially two subjects in this quote, (i)what constitutes a just war and (ii)"right to demand restitution", the latter subject depends upon the former. — War, in and of itself, is never just, contrary to what Grotius says here. There is always one side that is just and another that is unjust.[1] But given the fact that no one is perfect, there are always elements of justice and injustice on both sides. But whichever side more nearly manifests a genuine and thorough-going commitment to the natural-rights polity is the more just side. So the entity that acts in accordance with the natural-rights jurisprudence expounded herein is fighting a just war, while the entity on the other side is fighting an unjust war. This contrasts radically with Grotius' claim that "wars that are declared and conducted by the authority of the sovereign power on both sides are alone entitled to the denomination of just wars". Grotius' misconception of "sovereign power" has already been unravelled above. So has the idea that both sides of a war can be just. The defensive side is just, and the aggressive side is always unjust.[2] When war must be fought to the point of unconditional surrender, it's necessarily true that "the enemy [(meaning the unjust side)] has no right to demand restitution for what the prosecution of such wars has reduced him to abandon through fear [(through necessity, or for whatever other reason)]." On the other hand, when the unjust side wins, the just side has every right in biblically prescribed human law to demand restitution. Under these latter

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1 Unless, as the 60s "protest" song says, "Nobody's right if everybody's wrong". — Stephen Stills, Buffalo Springfield, 1967.

2 In an age when various countries have intercontinental ballistic missiles with nuclear warheads aimed at one another, no doubt some people argue that this system of right and wrong, just and unjust, breaks down. When the world could be destroyed at the flip of a switch, to some, it makes no sense to allocate blame. — This exposition contends precisely the opposite. When the stakes are so high, all sides should be more conscious than ever of the moral issues.

circumstances, demands for restitution may be marked by the unjust winners as invitations to heap on more abuse. *Let justice be done though the heavens fall.*[1]

Grotius' claims regarding "lawful prize" and "captures made in just war" show a logical extension of his illogical premise regarding the nature of just war. He says, "[A]ny thing given up to pirates or robbers, through fear, is no lawful prize: But it may be recovered … This is not the case with captures made in just war". Because Grotius' conception of jurisprudential sovereignty precludes characterization of such sovereigns as pirates and robbers, and does so without rational or biblical warrant, he is incapable of admitting that such sovereigns need to make restitution to whatever extent their acts of war are unjust, the same way pirates and robbers need to make restitution for their captures. On the other hand, "captures made in just war", as just war is defined herein, which means captures made by the just side in a given war, are in fact a "lawful prize" of the given war. Such captures therefore "may [not] be recovered" from the just side through any moral obligation of the just side. On the other hand, the unjust side of the war is inherently a pirate and a plunderer. Pirates and plunderers have no lawful prizes. Under such circumstances, Grotius' distinction between a "thing given up to pirates and robbers, through fear", which is certainly not a "lawful prize" of the pirates, and things given up to an enemy in a war, is so much baloney.

Grotius claims that sovereignty may be acquired through "just war" (I, 3, VIII). He cites numerous cases from antiquity to show that this is true. Even though Grotius' conception of just war is radically different from the conception based on Genesis 9:6, it's also true that jurisprudential sovereignty over a given territory can be established through just war, as defined herein. If a people genuinely committed to the natural-rights polity execute just war against a people who have no such commitment, and win, then it could be argued that the former people had justly taken sovereignty over the latter. To counter such an argument, it could also be argued that even the winner of a just war cannot exercise genuine sovereignty. What they can do is establish *jural* and *ecclesiastical* societies in the conquered nation, in an attempt at rehabilitation. — It should be noted in passing that a genuine natural-rights polity is incapable of prosecuting a just war against another genuine natural-rights polity. Between two people, neither of which have any commitment to the natural-rights polity, there may be more justice on one side than the other because one is more the aggressor than the other. To whatever extent justice may be more on one side than the other, the non-aggressor is fighting a just war.

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1 *Fiat justitia, ruat cælum.* — **Black's 5th**, p. 561.

To boost the probability that a war undertaken by some *social compact* is just, it's important that it be formally and solemnly declared. In Grotius' terms,

> [T]o make a war just … it must not only be carried on by the sovereign authority on both sides, but it must also be duly and formally declared, and declared in such a manner, as to be known to each of the belligerent powers. (III, 3, V)

To ensure the justice of war, the jurisprudential sovereign must exist by way of the consensual mechanisms defined herein. The war must be undertaken for purely defensive purposes. Finally, the war should be formally and solemnly "declared in such a manner, as to be known to each of the belligerent powers". Later in the same chapter, Grotius continues by giving more reasons why formal declaration of war is important.

> The reason why a declaration is necessary to constitute what is deemed, according to the law of nations, a just war, is … that it should be known for certain, that a war is not the private undertaking of bold adventurers, but made and sanctioned by public and sovereign authority on both sides so that it is attended with the effects of binding all the subjects of the respective states; –and it is accompanied also with other consequences and rights, which do not belong to wars against pirates, and to civil wars. (III, 3, XI)

While again sidestepping Grotius' conception of "public and sovereign authority", it's necessary to admit that he's making a good point. Solemn and formal declaration tends to deliver the undertaking from ambiguity. The "fog of war" tends to immerse every war in ambiguity. The more clarity one can get, the better. That's why it's best for wars to be formally declared.

For clarity's sake, it should help to reiterate the historical circumstances under which wars have generally been waged. First, the state forces peopled born within a given territory to be subjects. Then, through a formal declaration of war, the "sovereign" binds all his subjects to cooperate with him, collaborate with him, and be accomplices with him, in his foreign adventures. Historically, every time a war of aggression has existed, these have been the circumstances within the aggressing realm. The face-value interpretation of Romans 13:1-7 thereby converts entire populations into accomplices to criminal acts, under the pretense that they, like their "sovereign", are above the law. On the other hand, even according to Grotius, "[T]here can be no obligation to support unjust wars" (II, 15, X). But contrary to Grotius' hermeneutically erroneous opinion, this is as true for individuals as it is for nation-states. Grotius doesn't agree because his hermeneutics lead him to a different definition of "unjust war", among other things.

Given the importance of a declaration of war, even to the *metaconstitution*, it's important to ask: Against whom, precisely, does the *metaconstitutional* confederacy declare war when the need for a declaration of war arises? Grotius quotes Livy, saying, "'war is declared against the sovereign, and against all within his jurisdiction.'" (III, 4, VI) If the sovereign is defined to be the jurisprudential sovereign formed by the unanimous consent of those party to the given *social compact*, then Livy's claim might be correct. But if the given *social compact* is the aggressor, then it's not likely that such unanimous consent would exist within the aggressing *social compact*, because it's not likely that the aggressing *social compact* would be genuinely following the natural-rights polity. So under such circumstances, against whom does the victim *social compact* declare war? — In relations between a *secular social compact* committed to the natural-rights polity and a nation-state that has no such commitments, it's necessary for troops and forces on the natural-rights side to treat all inimical combatants however harshly is necessary to establish dominance over the enemy's regime. There is no room in combat for trying to find friends among people who are expressly inimical. War being a deadly enterprise, there's no room for frivolity prior to the enemy's surrender. With this said, war should be declared against whatever entity is in charge. Also, the *metaconstitutional* confederacy should prosecute the war only to the extent necessary to secure its defense, which may include the elimination of future threats, which may demand the establishment of *jural* and *ecclesiastical* societies within the conquered entity. In some respects, such a rehabilitative effort might be considered punitive. But such a motive to punish would not be the cause of the initial defensive measures, but would be undertaken for the sake of prevention of future threats.

When a people of a given country become viably committed to implementation of the natural-rights polity, they automatically also become natural allies of every other *social compact* committed to the natural-rights polity. If each of the fifty States were a genuine *secular social compact*, then it would find just such an ally in every other State. Likewise, if a country that is now foreign to the *united States* were to become genuinely committed to the natural-rights polity, it would also become a natural ally to each natural-rights-honoring State. Relations between such a foreign *social compact* and such a State would thereby deserve to be comparable to relations between the States of the *united States*, when such relations are defined by the *metaconstitutional* understanding of the *u.S.* Constitution, and when such States are genuine *secular social compacts*. Even though all this should be intuitively obvious, it's also obvious that none of the States, and no country anywhere, is genuinely committed to the natural-rights polity at the current time. So when a natural-rights-honoring *social compact* comes into existence, regardless of whether it's *religious* or *secular*, it must be able and willing to defend itself against foreign aggression. But because natural-

rights-honoring *social compacts* are natural allies, it's also necessary for every *social compact* committed to the natural-rights polity to come to the aid of every other *social compact* that has the same commitment, whenever the given *social compact* is able, and whenever the victim *social compact* suffers aggression from entities who have no *bona fide* commitment to the natural-rights polity. This kind of alliance of *social compacts* dedicated to the natural-rights polity is a natural outgrowth of the natural-rights polity and the *metaconstitution*. Such compatibility between natural-rights-honoring *social compacts* is certainly grounds for concern about such *social compacts* turning chauvinistic. But such chauvinism is deviation into group-think, and away from the necessary focus on natural rights.

Grotius made a comment that deserves mention before moving away from this focus on war. It deserves recognition here because it pertains to the biblical genocide.

> [T]he Hebrews … slew the women and children of the Heshbonites, and … were commanded to execute vengeance upon the Canaanites, and upon all … Those examples, where God manifestly interposes his commands, are not to be drawn into a precedent for authorizing actions of the same kind on different occasions. For the supreme and disposing power of God can never be compared with that, which men are allowed to exercise over each other. (III, 4, IX)

The genocide committed under the Mosaic covenant, according to biblical history, according to any face-value reading of it, is a stark violation of the natural-rights polity. So how the God-ordained genocide can be reconciled with the natural-rights polity is a major issue to be covered by this **exegesis** under the auspices of the local covenants. In the meantime, it should help to note two things: (i)Grotius is right when he says, "Those examples, where God manifestly interposes his commands, are not to be drawn into a precedent for authorizing actions of the same kind on different occasions." A human declaration of war, no matter how solemn, is never meaningfully comparable to God's ordination, regardless of whether the ordination is classified as His **decretive will** or His **preceptive will**. (ii)In section IX of Chapter 4, Grotius gives examples from antiquity of other nations rabidly killing women and children, thereby indicating that in antiquity, genocide was a widespread practice. — These two points certainly don't reconcile the natural-rights polity and the biblical genocide to the degree necessary to an **exegesis** that genuinely honors God and His Holy Word. Such reconciliation should be found below. It's necessarily based upon the supremacy of God in all things.

It's also important to note in passing that under the *de facto* legal system of the *united States*, there has been no formal declaration of war since World War II.

This jurisdictionally dysfunctional nation-state has been at war with exponential constancy since the start of the Korean War. This is essentially abandonment of the organic documents and statism run amuck. The mythology of "sovereign power" enunciated by Grotius is only necessary as long as people in viable numbers don't assume their responsibilities under the biblical prescription of human law. Statism is the penalty the human race suffers for refusing to accept these responsibilities. And tyranny is the penalty the people of the *united States* suffer for refusing to do their duties under the natural-rights polity.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(iv) "Law of Nature" vs. "Law of Nations"

In *de facto international law* generally, and certainly in Grotius' legal philosophy, there is a distinction between the "law of nations" and the "law of nature". It's reasonable to believe that wherever human law doesn't exist, natural law, including the moral-law leg of the natural law, reigns without any influence from human law. But wherever more than one human lives in community with other humans, some kind of human law inevitably comes into existence, even if the rule is nothing more than whoever has the biggest stick makes the rules.

As has already been indicated above, Grotius' conception of the "law of nature" is not consistent and systematic. It can only be ascertained within the given context in which he uses it. In general, within **The Law of War and Peace**, he does not use this term to indicate the natural laws at work endogenously or exogenously to any given human being. He doesn't even recognize the natural-law tripod. He uses it mostly to refer to what this exposition has been calling the moral-law leg of the natural-law tripod. But there is also mixed into Grotius' usage of this term, his conception of customary morality from antiquity, along with his conception of morality taken from his smorgasbord approach to Scripture. — Grotius' use of "the law of nations" follows a similar inconsistent and pragmatic pattern.

Grotius indicates that the "law of nature … is generally called the law of nations", because it is "common to all nations" (I, 1, XIV). But he also indicates that "frequently in one part of the world, that is held for the law of nations, which is not so in another" (I, 1, XIV). So even though the "law of nature" and the "law of nations" are equivalent according to some people, they are not really equivalent according to Grotius. He believes that the "law of nations" derives "its authority from the consent of all [nations], or at least of many nations" (I, 1, XIV). But the

§ (iv) "Law of Nature" vs. "Law of Nations"

"law of nature", even according to Grotius, comes from God and is not dependent upon any human's acknowledgement for its existence. He claims that the existence of the "law of nations is proved in the same manner as the unwritten civil law, … by the continual experience and testimony of the Sages of the Law" (I, 1, XIV). In other words, he intends to induce the existence of a body of law that he calls the "law of nations" from the commentaries of antiquity. This is the same place from which he induces his conception of the "civil law". In Grotius' vernacular, civil law is the same thing as civil right, and "civil right is that which is derived from the civil power." And the "civil power is the sovereign power of the state" (I, 1, XIV). — The basis for all of Grotius' claims about the "law of nations" is the unspoken assumption that the state has a right to exist. But the state has no more right to exist than the guy with the biggest stick has a right to threaten people with it. In contrast, the natural-rights polity can only exist through the consent of individual human beings. So it's reasonable to say the "law of nations" originates from the same place as statism. They're both rabbits pulled out of a hat, and they have genuine authority only over those who genuinely give their cognitive consent to their authority. Even though this is all true, it's still valuable to study the "law of nations" for the sake of discerning what *international law* should be as an outgrowth of the natural-rights polity.

One major distinction between the "law of nature" and the "law of nations" can be seen in the following:

> By the law of nature, in its primaeval state; apart from human institutions and customs, no men can be slaves: and it is in this sense that legal writers maintain the opinion that slavery is repugnant to nature. … But the law of nations … is of wider extent both in its authority over persons and its effects. For, as to persons, not only those, who surrender their rights, or engage themselves to servitude, are considered in the light of slaves, but all, who are taken prisoners in public and solemn war, come under the same description from the time that they are carried into the places, of which the enemy is master. … Nor is the commission of crime requisite to reduce them to this condition, but the fate of all is alike, who are unfortunately taken within the territories of an enemy, upon the breaking out of war. (III, 7, I)

So under Grotius' conception of the "law of nature", "no men can be slaves". This certainly agrees with the natural law and natural rights as expounded herein. The natural-rights polity holds that people who violate other people's natural rights make commensurate surrender of their own natural rights, and thereby volunteer themselves into slavery. But under Grotius' conception of the "law of nations",

merely being on the losing side of a war makes one vulnerable to slavery. Although it's necessary to prosecute a just war to the point at which imminent threats to the natural-rights polity are eliminated, as soon as they are eliminated, the enemy should no longer be constrained to slave conditions. In a later section of the same chapter, Grotius shows that he agrees with this:

> It has long been a maxim, universally received among the powers of Christendom, that prisoners of war cannot be made slaves, so as to be sold, or compelled to the hardships and labour attached to slavery. (III, 7, VI)

As soon as they are no longer threats, they should be allowed to go free.

It should be emphasized that Grotius' use of the terms "law of nature" and "law of nations" are not rigorous. Similar to the way "natural" is often used to mean "normal", his use of these terms is often glommed with customary and habitual meanings and are essentially catch-alls for whatever he may be trying to conjure at any given point in his treatise.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(v) Grotius' Survey of the Origin of Property

In addition to major discrepancies between Grotius' legal philosophy and the natural-rights polity in regard to natural law, natural rights, the concept of "just war", the "law of nature", and the "law of nations", there are also major discrepancies in regard to his conception of the origin of property. In this regard, by far the most fundamental mistake he makes is in claiming that all property was once held in common by all humanity. Why this is mistaken is evident by comparing his interpretation of the first few chapters of Genesis with the **exegesis** above. But because his **exegesis** is far from rigorous, and because it is mixed with screeds of extra-biblical citations, rebutting his **exegesis** specifically is like swatting a swarm of gnats with bare hands. It makes more sense to swat the principles he induces from his chosen array of sources.

As seen in the Genesis 9:6 encampment, the origin of property according to the natural-rights polity is based on every human's endowment of the *imago Dei*. Scripture is clear that it's a basic feature of human nature that people are localized in space and time. Even though humans may live eternally into the future, at any given point in time, each human is finite. From this and other attributes of human nature, it follows that each human is the natural owner of his/her body. The natural-

rights polity calls such body ownership **primary property**. Because humans alive on planet earth are subject to gravity, each living human occupies not only the space taken by the three dimensions of the physical body, but also some point of contact with the earth. Because this point of contact is an inevitable aspect of human life on planet earth, the natural-rights polity calls this point of contact primordial **secondary property**. It's critical to notice that **primary property** is never held in common with other humans.[1] In contrast to this each person has a claim to his/her primordial **secondary property**, even though someone else can also own that secondary property. While every person's claim to his/her **primary property** is exclusive and *absolute*, a claim to primordial **secondary property** can be encumbered by someone else's claim. This coexisting claim cannot be someone else's just claim to primordial **secondary property** because two bodies cannot occupy the same space at the same time. But a person can make an extended claim (as distinguished from a primordial claim) to **secondary property**, and one person's primordial claim can coexist with another person's extended claim. On the other hand, a person could have both a primordial claim to **secondary property** and an extended claim to the same property, assuming that he/she owned the real property upon which he/she was situated.

Based on these facts, it's obvious that people are capable of having some property in common, but it's impossible for them to have all property in common. This is because a given space the size of a human body can only be occupied by one body at a time. From these facts it's obvious that people do not now have all things in common.[2] It's also obvious that humanity has never had all things in common, and never will according to biblical eschatology. Even in the garden, the inevitable existence of **primary property** and primordial **secondary property** confutes claims that all things were held in common. But it's important to notice that Grotius doesn't really claim that humans in their primordial state held all things in common. He claims that all things that could be "reduced to a state of property" were held in common. He says, "it must be admitted that some things are impossible to be reduced to a state of property" (II, 2, III).

According to the origin of property that is fundamental to the natural-rights-honoring **exegesis** above, some things that can be reduced to a state of property

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1 Contrary to some, the state of being impregnated does not confute this claim. See Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

2 Obviously pregnancy offers an exception to this claim. But it's not an exception that subverts the argument. See Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

cannot be reduced to a state of common property. **Primary property** obviously has this never-common status. But Grotius never really recognizes **primary property**, probably because he's too busy facilitating the jurisprudential sovereign's ownership of property. As examples of things that cannot be reduced to a state of property, Grotius offers the sea and air. Even modern people must necessarily admit that it's extremely difficult, and perhaps impossible, to reduce these two things to property owned by individuals. But both in his time and in the modern age, there are people who claim that nation-states are capable of owning things that individuals cannot own because of the individual's limited capacity for ownership. Megalomaniacal individuals are prone to claiming things they are incapable of owning, and megalomaniacal statists are prone to claiming their nation-state owns things it is incapable of owning. Sober people know that the capacity for ownership is finite for both individuals and nation-states. In different words, Grotius admits this, and confirms it by showing himself to be on the side of keeping the oceans open and free for all, for traveling, freighting, fishing, *etc.* (II, 2, III). — In spite of these qualifications, Grotius grounds his survey of the origin of property in the claim that in the primeval state, humanity held in common everything that humans are capable of reducing to a state of property. This premise leads him to make a number of pernicious mistakes that inherently violate the natural-rights polity.

The natural-rights polity has an affinity for Crusoe Economics because Crusoe Economics, in its core economic principles, is consistent with the biblical narrative. So it is an inherently non-statist conception of the origin of property. It is conducive to the existence of **primary property**, primordial **secondary property**, and the *delict*-free acquisition of extended **secondary property** by individuals. In contrast to this, Grotius builds statism into his survey of the origin of property. Regarding "those things … not yet made property, [but which] may be reduced to that condition", such as "waste lands, desert islands, wild beasts, fishes, and birds", he says the following:

> [T]here are two things to be pointed out, which are a double kind of occupancy that may take place; the one in the name of the Sovereign, or of the whole people, the other by individuals … The latter kind of individual property proceeds rather from assignment than from free occupancy. Yet any places that have been taken possession of in the name of a sovereign, or of a whole people, though not portioned out amongst individuals, are not to be considered as waste lands, but as the property of the first occupier, whether it be the King, or a whole people. Of this description are rivers, lakes, forests, and wild mountains. (II, 2, IV)

This indicates that he believes in a system in which, out of all the moveable and immovable property the state claims, such property can only become the property of individuals through "assignment" by the jurisprudential sovereign. In other words, only the sovereign can allocate property, so it isn't allocated by possession / occupancy. Contrary to Crusoe Economics, the homesteader's act of taking possession can be overridden by the so-called sovereign, because the so-called sovereign is the "first occupier". This is essentially a feudal conception of property, and continues into the 21st century in the form of *eminent domain* and other dubious concepts. Both the conception of the origin of property that's built into 21st-century American law and into Grotius' survey conflict with the conception of the origin of property that arises out of the first few chapters of Genesis.

As is clear at the Genesis 9:6 encampment, a *secular social compact* does not own the territory over which it has territorial jurisdiction. Its jurisdiction over that territory is strictly limited by its subject-matter jurisdiction. Something similar is true of a *religious social compact*, except that a *religious social compact* is capable of containing a *restrictive covenant* over land within the *religious social compact*'s territorial jurisdiction. Such a *restrictive covenant* is capable of allowing and disallowing things within the *religious social compact*'s territorial jurisdiction that are not allowable or disallowable within a *secular social compact*'s territorial jurisdiction. For example, if any citizen or *denizen* within the territorial jurisdiction of a *secular social compact* were to homestead some portion of "rivers, lakes, forests, and wild mountains" that might be within that territory, the jurisprudential sovereign of that *secular social compact* would have no superior claim, and would therefore not be lawfully allowed to interfere based on such non-existent claim. If the same portion of "waste lands" existed within a *religious social compact*, then things would be completely different, because what would be allowable or disallowable would be completely different. — Essentially, Grotius, along with the 21st-century American legal system, claims that the state has an inherent right to interfere with the individual's right to homestead, based on a supposedly superior claim to all the territory within the nation-state's jurisdiction. This is jurisdictional dysfunction gone to seed. It is clandestine intermingling of attributes of a *religious social compact* with those of a *secular social compact*, under the pretense that there is common consent for such intermingling, when such consent does not exist in fact, and probably never has. Grotius' somewhat cloaked rationale enabling such jurisdictional dysfunction is grounded in his belief that all property was held in common in the primeval state.

According to Grotius,

> God gave to mankind in general, dominion over the creatures of the earth, from the first creation of the world, a grant which was

> renewed upon the restoration of the world after the deluge. All things, as Justin says, formed a common stock for all mankind, as the inheritors of one general patrimony. (II, 2, II)

From this state in which things were held in "common stock", Grotius describes the development of private property, and he associates with this development of private property all the wickedness into which fallen humans have descended. Of course, that's playing loose with the biblical record. According to the biblical record, both **primary property** and primordial **secondary property** existed in the garden, at which point there was no evil inherently associated with such property because all such property was created "very good". No pretense can be found in the Bible for this kind of property being held in common. Although it's true that God gave "dominion over the creatures of the earth" as "common stock" to humanity, it's not true that that bequest of "general patrimony" converted those things into **secondary property**. For such extended (as distinguished from primordial) property to exist, recognizable in human law, there must not only be God's bequest, but also the human's act of taking possession. The human act of claiming, by itself, can hardly suffice as an act of taking possession. Both the claim and the possession must exist, at least implicitly.

As a prelude to describing the transition from the "primeval state" into the more jaded state, Grotius says,

> [A] notion may be formed of the reason why men departed from the primeval state of holding all things in common, attaching the ideas of property, first to moveable and next to immovable things. (II, 2, II)

But the "notion" he describes doesn't really do this subject justice. He says,

> Property … must have been established either by express agreement, as by division, or by tacit consent, as by occupancy. For as soon as it was found inconvenient to hold things in common, before any division of lands had been established, it is natural to suppose it must have been generally agreed, that whatever any one had occupied should be accounted his own. (II, 2, II)

According to the biblical record, the development of property indicated after the people were exiled from the garden doesn't indicate "express agreement". For example, Genesis 4 indicates some division of labor among Cain's descendants. Cain built the city of Enoch, and associated with that city were his descendants who had special occupations: Jabal "was the father of those who dwell in tents and have livestock". Jubal "was the father of all those who play the lyre and pipe". Tubal-cain "was the forger of all instruments of bronze and iron". Built into these

biblical facts is the assumption that these people who had these various occupations extended their natural, primordial **secondary property** over whatever moveable and immovable objects were necessary to their occupations, and that they thereby implicitly laid claim to those objects to whatever extent they deemed it necessary, thereby claiming **secondary property** that was more than merely primordial. Because the human population on the earth was small, land was not generally scarce. They therefore probably did not see much need to write in stone their loosely held claims to land. Land around and within cities was scarcer; so perhaps they perceived a greater need for strictly defined ownership of land around and within cities. — This shows development of claims to moveable and immovable objects according to economic need, where economic need is based primarily on the existence of **primary property** and primordial **secondary property**. It does not show the establishment of property "by express agreement", as though the human race got together and made explicit communal decisions about who owned what. And there's also no sign of any "express agreement" of the human race by way of any jurisprudential sovereign. There was no jurisprudential sovereign in Genesis 4 because that was prior to God's global prescription of human law, which happened after the flood. The scant biblical evidence relating to the origin of property after the flood indicates that the same *ad hoc* approach to human ownership of property existed after the flood as existed before it. In short, there is no sign of "express agreement" to some division of property. There is biblical evidence for "tacit", *ad hoc* consent to whatever division of labor may have come into existence, and to whatever impromptu allocation of property naturally accompanied such division of labor.

There is an assumption behind Grotius' approach to this subject that needs to be made more explicit. The assumption revolves around Grotius' belief that humanity shared all things in common, or as he claims Justin put it, that "All things … formed a common stock for all mankind". It's evident that Grotius assumes that having things in common was not merely characteristic of pre-fall humanity, but also of tribal cultures, the Essenes, "the primitive Christians in Jerusalem", some "religious orders", and "some nations of America" (II, 2, II). According to Grotius, these all practiced having "a community of goods", and were not particularly eager to create more private real property than the primordial **secondary property** that already existed. But this is essentially an idealization of circumstances. Property ownership is ALWAYS a function of scarcity. It's true that scarcity can exist in the mind when it doesn't exist in reality, which may be the reasonable explanation for why people get greedy and covetous. On the other hand, when land is so abundant and human populations are so small, it's probably not hard for normal people to see land hoarding as seriously neurotic. The same applies to hoarding of moveable property. These facts explain the attitudes about land that generally characterize tribal cultures.

But when Grotius speaks of Essenes, primitive Christians, and religious orders, he's speaking of people deliberately dedicating themselves to the avoidance of greed and covetousness. Since the fall, the human race is generally prone to poverty, and to apprehending scarcity when it doesn't really exist. This contrasts with the approach to personal wealth recommended by Jesus, which was this: "[S]eek first the kingdom of God and his righteousness, and all these things will be added to you." (Matthew 6:33; **ESV**) His way is not the way of poverty, and not the way of idolatry, but of wholeness by seeking first His kingdom. It's difficult to ascertain the extent to which any of these tribes, orders, primitive Christians, *etc.*, were successful at seeking prosperity via these Matthew 6 priorities. But it's probably NOT safe to conclude that having "a community of goods" was necessarily better than private property. Grotius assumes that it must have been better, and he sets up holding things in common as a primordial ideal from which humanity fell. But as already indicated, that's imposing extra-biblical preconceptions on the Bible's description of the "primeval state". It's **eisegesis**. As indicated in Acts 2, "the primitive Christians in Jerusalem" "had all things in common" (v. 44), and that's certainly a sign that they were attempting to form a community of sharing and generosity in which greed and covetousness were banished and all had Matthew 6 priorities. But there is a radical difference between holding things in common under the auspices of the one-and-only sinless King, versus having things in common under the auspices of sinners who happen to also be jurisprudential sovereigns.

For a long time, socialists, including Marxists, have had a slogan: "From each according to his ability, to each according to his needs". This clearly describes the redistribution of goods and services so that property in general is held in common. A fair **exegesis** of Acts 2 leads to the conclusion that that is what was going on in Jerusalem at that time. That was under the auspices of the Holy Spirit, and of the King of kings. Socialists, including Marxists, and apparently even including Grotius, have taken this as an ideal towards which humanity, human laws, and human governments should evolve and aspire. To Grotius, this is also the ideal from which humanity originated. But when this ideal is enforced with the sword, it becomes something entirely different from what's described in Acts 2. Holding things in common through mutual consent, on a completely voluntary basis, is utterly different from having government enforce a redistribution of wealth. There are no grounds for holding the latter as an ideal of the past. The abysmal history of 20th-century democide should be ample proof that it should NEVER be held as an ideal for the future either. This shows that the difference between paradise on earth and plunging the human race into a global totalitarian gulag revolves around voluntarism and consent. Grotius' emphasis on holding things in common fails to acknowledge this.

Grotius' Survey of the Origin of Property

Although Grotius is never clear about how he believes the state arose to lawfully interfere with private property acquired through obviously natural processes like homesteading, he does appear to introduce the state and its extraordinary powers through slight of hand.

> [T]he sovereign … has a legal right to prohibit any one from taking them [(wild beasts, fishes, and birds)], and thereby acquiring property in them. … Nor is there any objection founded in Roman Law, the Law of nature, and the Law of nations, which, it is said, declare such animals to be beasts of chance free to every one's hunting. For this is only true where there is no civil law to interpose its prohibition … The deviations … from the state of nature, which have been established by the civil law, are ordained by every principle of natural justice to be obeyed by mankind. For although the civil law can enjoin nothing which the law of nature prohibits, nor prohibit any thing which it enjoins, yet it may circumscribe natural liberty, a restraining what was before allowed; although the restraint should extend to the very acquisition of property, to which every man at first had a right by the law of nature. (II, 2, V)

These claims are not based on reliable premises. In fact, it's simply not true that "deviations … from the state of nature … by the civil law, are ordained by every principle of natural justice". Every totalitarian regime of the 20th century made radical deviations from the state of nature that were in no way "ordained by every principle of natural justice". Even if these deviations had nothing to do with what Grotius called "civil law", they were so radically at odds with natural justice as to inculpate all human law under those systems, regardless of whether they were called "civil" or something else. Grotius is hereby rationalizing the continuation of feudalism, probably because that and antiquity were all he knew. Contrary to the feudal presuppositions, the state's claim to birds, fishes, beasts, *etc.*, is not lawfully grounded in either Bible-based principles or principles grounded in general revelation. So the whole concept of sovereign dominion that is the basis for legal concepts like *eminent domain*, and which includes the state's claims to beasts, fishes, and birds, is not grounded in anything other than familiarity, prejudice, greed, and covetousness of the jurisprudential sovereign.

It's normal for statists to claim as state property stuff that isn't theirs, and to have grandiose visions of sovereign ownership. Such grandiose visions have led to major misconceptions about "things … impossible to be reduced to a state of property". They've also led to major misconceptions about what it's lawful for the state, as a jurisdictionally dysfunctional *secular social compact*, to own. Wild things, wild beasts, fishes, and birds, as well as "waste lands" in general, fall into this category of

things impossible to be reduced to a state of property that's allowable for a *secular social compact*. Perhaps it's more accurate to say that it's not lawful and permissible for a *secular social compact* to own such things because such ownership would violate the compact's subject-matter jurisdiction, which would mean that such *social compact* was not really a *secular social compact*. On the other hand, entities other than *secular social compacts*, including *religious social compacts* and individual land owners, are not subject to the jurisdictional constraints of *secular social compacts*.[1]

As should already be clear, the major distinction between the origin of property expounded by the natural-rights polity and the origin expounded by Grotius pertains primarily to two things: (i)Grotius' belief that God's gift of dominion over creation entailed unarticulated magic by which the jurisprudential sovereign would receive and exercise that dominion instead of individuals; (ii)Grotius' belief that such jurisprudential sovereign would mete out portions of the sovereign's domain to individuals, thereby establishing a kind of vassalage-based possession of the sovereign's domain by the sovereign's subjects. As already indicated, the rudiments of this feudal system continue to exist in 21st-century America. Evidence that this is true exists in practically every land deed and every State constitution. State constitutions generally speak of the land within the State's domain as being *allodial*, meaning that it consists of a type of feudal tenure in which the jurisprudential sovereign lays minimal claims and encumbrances on such land. However, the fact that *eminent domain* is an undeniable aspect of American law is proof that the State has not entirely abandoned its claim to dominion.[2] In other words, the American States have NOT abandoned their Grotius-like claims to being the primary owners of everything. The States are in essence interjecting themselves as mediators between God's gift of dominion and the State's citizens. People are so generally accustomed to living and working within this framework of assumptions that they are prone to being terrified by the thought of being freed from these shackles. Admission of this fact is essentially admission that the population in general is statist by default. This is precisely what one would expect after several generations of government-school education. Undoing that damage is a major undertaking and may take generations.

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1 As an example of why it's not only important in principle, but also important practically, that no one should have the capacity to make blanket denial of ordinary people's capacity to take possession of such things, consider the important role that private land owners played in the restoration of the American bison: Benjamin M. Wiegold, "Endangered Species, Private Property, and the American Bison". — URL: https://mises.org/library/endangered-species-private-property-and-american-bison,retrieved 21 May 2017.

2 State claims that there are no feudal tenures on the State's *allodial* land are all misleading, because the State's claim to dominion is itself feudal.

Nevertheless, because this statist bias is rampant, it's prudent to make some modest effort at exploring some of the ramifications of the non-statist, Bible-based approach to property. The following short effort at doing so can be characterized as "picking low-hanging fruit".

The following is an example of a situation which might be troubling to people who are accustomed to the current quasi-feudal system of property:

> [I]n cases of extreme necessity, the original right of using things, as if they had remained in common, must be revived; because in all human laws, and consequently in the laws relating to property, the case of extreme necessity seems to form an exception.
>
> Upon this principle is built the maxim that if in a voyage provisions begin to fail, the stock of every individual ought to be produced for common consumption …
>
> Now among Theologians also it is a received opinion, that if in urgent distress, any one shall take from another what is absolutely necessary for the preservation of his own life, the act shall not be deemed a theft. A rule not founded solely upon the law of charity … but upon the original division of lands among private owners, which was made with a reservation in favour of the primitive rights of nature. For if those who at first made the division had been asked their opinion upon this point, they would have given the same reason that has just been advanced. Necessity … breaks through all human laws … (II, 2, VI)

This is a perverse fiction of feudalism that has been reinforced by the visible Church's mis-interpretation of Romans 13 passages, as well as of passages like Acts 2. Based on **exegesis** grounded in the jurisprudential genre and the hermeneutic being expounded herein, these claims are not exactly true because they ignore jurisdictional considerations. There's no doubt that cases of extreme necessity impose extreme pressures on the right of possession. But to say that they constitute good reasons to abandon jurisdictional boundaries is to claim that human laws can never be built on anything sturdier than flimflam. — To see how "extreme necessity" impacts the existing distribution of property, it should help to consider three hypothetical situations: (i)squatter's rights / adverse possession on a privately owned farm / ranch; (ii)squatter's rights / adverse possession on federally owned land; and (iii)a voyage in which "provisions begin to fail".

(i)If destitute illegal aliens squatted on a working farm or ranch, the owners and operators of that real property would surely notice without the passage of much time. Under Grotius' "extreme necessity" condition, the squatters' rights to the land, at least some segment of it, would entail that "the original right of using things, as if they

had remained in common, must be revived", and the squatters would have a strong adverse possession case. So the court should surely allow these destitute people to own, possess, and cultivate some portion of the farm for the sake of their sustenance. — On the other hand, if the owners and operators of the farm / ranch acquired the property through homesteading, or through a chain of lawful conveyancing back to an original title based on lawful homesteading, then that would mean that they had lawful title to the land. Under the natural-rights polity, and under the original jurisdiction of a *secular social compact*, the squatters' presence on the land would be *trespass* and would be a punishable *delict*. The squatters' destitute condition would not constitute grounds for reviving "the original right of using things, as if they had remained in common", because the court would know that original commonality was a myth that carried no legal weight in *secular* courts. But if the owners and operators were true Bible-believing Christians, they would do two things as they denied the squatters title to a portion of the land. They would help the illegal aliens to whatever extent they could, to be well fed, healthy, and well clothed before they evicted the aliens from their land. They would also do their best to educate the aliens and encourage them to return to their home country with knowledge about how to establish the natural-rights polity there.

(ii)If destitute American citizens squatted on some portion of a vast tract of uninhabited, federally claimed land in the western *united States*, federal employees would certainly notice eventually, and would probably evict them forthwith. But because the federal government is only lawful to the extent that it's a *secular social compact*, the federal government is barred from lawful ownership of land that has no value in the pursuit of its extremely narrow subject-matter jurisdiction. But the federal government does not presently acknowledge that its only lawful status is that of a *secular social compact*. It essentially retains a commitment to the quasi-feudal belief that the government is the original owner of everything, as a kind of magic, Grotian conversion of the common stock of all people into common stock owned above all by the jurisprudential sovereign. The feds would not recognize squatter's rights / adverse possession by these destitute Americans because of its competing commitment to its preeminent ownership and its commitments to international agreements.[1] Even though the squatters were destitute and needed to cultivate their own farm land, and should be allowed to do so under Grotius' conception of original

1 The U.N. "Sustainable Development" Agenda may be a non-binding statement of intent rather than a treaty, but hundreds of local, State, and federal organizations, both governmental and otherwise, are implementing it more or less by stealth. This agenda has plans for that land that exclude destitute American squatters. — URL: https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf, retrieved 2 May 2017.

common ownership, as well as under the natural-rights polity, the feds would not allow it, because the feds are generally committed to the delusion of statism.

(iii)If maritime history shows conclusively that when "in a voyage provisions begin to fail, the stock of every individual ought to be produced for common consumption", then that fact should be implemented as terms of the contracts that enlist the parties as members of the voyage. If there are no such contracts and no other maritime law of which each member is informed prior to beginning the voyage, then there are no grounds in law for any individual to take the stock of another individual. Christian morality certainly demands that Christians exercise both wisdom and generosity. But non-Christians are not inherently under any jurisprudential obligation to operate by Christian morality. So if there is no agreement prior to the voyage about sharing of such stock under such circumstances, then there is no legal basis for forcing anyone to share. It may be true that theologians in Grotius' day were of the "received opinion, that if in urgent distress, any one shall take from another what is absolutely necessary". But contrary to Grotius' claim otherwise, that theological claim is "founded solely on the law of charity". That's because there was no "original division of lands among private owners, which was made with a reservation in favour of the primitive rights of nature". The "law of charity" enforced in a *secular* arena simply forces non-Christians to act like Christians. That may be a good thing within a Christian *religious social compact*, but it is absolutely not within a *secular social compact*. The assumption regarding such a voyage is that it's a *secular* undertaking, and to be governed by *secular* rules, unless there is *a priori* unanimous consent otherwise.

These three hypothetical situations show that following the principles and priorities of the natural-rights polity is eminently practical. It's practical because it's rational, not in spite of the fact that it's rational. — One of the biggest impediments to any significant change in the legal comprehension of property is fear of what changing the current comprehension might bring. One thing necessary to such change is for people generally to understand the system they already live in. Thanks largely to government-run education, Americans generally do not understand the system within which they are currently embedded. To understand the existing system, it should help to shift from focusing on individual property rights versus state ownership of property, to speaking of the ownership of the means of production within a society. The American man on the street has been prone for a long time to believe that he lives in a capitalist society. If capitalism is defined as it's been defined above, as being equivalent to a free market that is being throttled and suppressed by vested interests, then it's obvious that the man on the street is not sufficiently informed. It's appropriate to understand the American economic system as a form of capitalism

that's throttled and suppressed by any number of different modifiers, but it has never been a genuinely free market. In fact, at present, it's correct to understand this system as dominated by covert and overt linkages between the "public sector" and the "private sector". The most ominous of such linkages is that between the Federal Reserve System and the existing governments. Under the original jurisdiction of a lawful *secular social compact*, public-private agreements outside the extremely narrow subject-matter jurisdiction of lawful *secular social compacts* are inherently unlawful, because they violate the subject-matter jurisdiction of the compact. The current economy is essentially a kind of capitalism that is massively throttled and suppressed by vested interests. Because every federal, State, and local regulatory agency is in a public-private agreements with its regulated industries, it's clear that the entire administrative branch at the federal, State, and local levels is in violation of the natural-rights polity. Migrating from the existing order to the natural-rights polity is a massive undertaking, but necessary.

The natural-rights polity is essentially a bottom-up approach to ownership. The approach depicted by Grotius, and statists in general, is a top-down approach, with token lip service to the bottom-up approach. The fact is that if people do not generally know how to structure contracts and relationships in a way that is conducive to the preservation of natural rights, the bottom-up approach is prone to fail. Features of the top-down approach need to be built into genuine contracts that are based on cognitive consent instead of statism. It's beyond the scope of this work to articulate in detail how to do this in regard to all these public-private collusion and corruption. But sketches of a few more examples may help.

Because environmentalism is presently a huge social concern, it's probably important to say something in passing about the proper relationship between private property and the environment, according to the natural-rights polity. Environmental upkeep is obviously essential to good stewardship in Christian morality. This fact should offset the secular environmentalist's standard criticism of the dominion principle. Relating to this, Grotius says,

> [A] river … is the property of that people, or of the sovereign … through whose territories it flows … But the same river … still remains common to all to draw or drink it. (II, 2, XII)

Apparently Grotius thought that in the 17th century, river water was safe to drink. Whether it was or not may be beside the point in many respects. On the other hand, his assumption that it was safe shows another underlying assumption that should be useful in 21st-century environmental issues. Even though he was an Arminian, he was an avowed Christian who certainly believed that the human race should not pollute its nest and make it unsafe to live in. Perhaps it was safe in the 17th century

for downstream people to drink directly out of rivers. But if upstream people were dumping massive quantities of raw sewage into the river, probably not. The point is that regardless of whether primordial river water is safe to drink or not, people should be able to assume that their use of such natural resources is accompanied by an assurance that those resources are as close to a primordial condition as possible. Courts should make this kind of assumption for the sake of assuring that people not damage other people. This doesn't mean that there's anything inherently wrong with bridges and other such infrastructure because such infrastructure is not inherently hazardous. It means that there's something inherently wrong with industrial pollution, raw sewage, run-off from factory farming, and anything else that inherently pollutes what people eat, drink, breathe, *etc*.

According to Grotius' distinction between things that can be reduced to property and things that cannot, a river is an example of something that it's extremely difficult to reduce to property, but which has the characteristics of what has been historically called a "commons". It's difficult for any given individual to turn the river into private property, but everyone along the river has common access to it, and people downstream are vulnerable to people upstream who abuse the commons. Historically, including the present, the government has been the default arbiter of any dispute involving something like a river, because the government has been the ultimate owner of everything. The river falls naturally into Grotius' category of "waste lands" that cannot be reduced to property by individuals, but which are, according to his concept of common original ownership, rightly owned by the jurisprudential sovereign. To solve problems like river pollution, the jurisprudential sovereign has stepped in historically, whenever complaints by the sovereign's subjects become loud enough (or whenever the sovereign is convinced that he/she/they can gain some advantage), and the sovereign has forced regulation, via bureaucracies like the Environmental Protection Agency, upon any humans who might be polluters. One big problem with regulatory agencies like the EPA is that they are prone to being notoriously corrupt and inefficient. They are prone to having revolving doors between the regulators and the regulated, such that the regulating agency becomes captured by regulated entities, especially by financially powerful regulated entities. Then the regulated entity can circumvent the regulations through bribes and other kinds of collusion. This has been a serious problem ever since regulatory agencies came into existence. Obviously, such regulatory agencies inherently violate the subject-matter jurisdiction of *secular social compacts*. So the entire fourth, administrative branch of the federal, State, and local governments is essentially unlawful. So if agencies like the EPA must be abolished, then it's critical to have some alternative strategy for dealing with polluters.

In order to devise an alternative strategy that's compatible with the natural-rights polity, it helps to start with the *metaconstitution*. It's emphatically NOT helpful to start with United Nations treaties and agendas, because those are all entirely dedicated to global statism. It's helpful to re-envision the confederation of governments under the *u.S.* Constitution because that confederation is much more compatible with the natural-rights polity, as seen in the *metaconstitution* expounded at the Genesis 9:6 encampment. The most local level of government within the *metaconstitution* is counties, cities, towns, villages, *etc.* These are each lawful, under present circumstances, only if they are *secular social compacts*. So none of these local entities is capable of supplying a solution to this river-pollution problem except in the following manner: If someone downstream were harmed by the pollution generated by someone upstream, then the downstream person would have grounds for filing a legal action *ex delicto* against whoever polluted upstream. Under present circumstances, the threat of such a legal action is not generally a sufficient deterrent to an upstream polluter. This is true for several reasons: (i)Polluters can often pollute without having their pollution noticed, because of insufficient monitoring of the river for pollution. (ii)For a damaged person to prove to a court that he/she has genuinely been damaged, it's necessary to present rigorous medical evidence to prove damages, and such evidence can be extremely expensive to procure. (iii)For a damaged person to prove to a court that the accused entity is the genuine cause of the damage, the damaged person must establish an unbroken chain of evidence linking the damage to the alleged damager. This is often extremely difficult and expensive to establish. (iv)In addition to the enormous expense of the procuration of evidence, legal expenses are usually huge. — These four factors, and probably others, make the courts, as they presently exist, practically useless in regard to a legal action like this. The default statist solutions of establishing regulatory agencies and resorting to solutions in *de facto international law* (like the U.N.) are worse than ineffective. So what's to be done?

There are several assumptions that need to be made in order for a non-statist approach to work. It needs to be assumed that practically no pollution is allowed. Since the 1960s, automobiles have been equipped with catalytic converters, coal powered plants have been equipped with scrubbers, and water pollution has been cut substantially. These have been major movements in the right direction, even if they have been the fruits of unlawful regulatory agencies, and even though they may still be insufficient. The point for all these "waste lands" that are difficult to reduce to private property, regardless of whether they are air, sea, or inland waterways, is that every kind of pollution of these things should be held to be damaging to people in general. Courts should set the adjustable sensitivity to damage dial in regard to such pollution to HYPER-SENSITIVE. A single person filing a legal action *ex delicto* should

be recognized by the court as representative of all people, and the plaintiff should have no *a priori* burden to prove that he/she has been damaged by the pollution. No chain of evidence from damage to damager should be necessary. It should only be necessary to show that the defendant left the water more toxic than it would have been in its primordial condition. This approach removes the huge medical expenses and the huge expenses to establish the chain of evidence. With the burden of proof lowered drastically, the legal expenses should also be lowered dramatically.

The most obvious weakness in this alternative strategy is in discovering the source of the initial pollution. This requires constant monitoring for every possible pollutant by whoever is willing and able to do it, but such monitoring is outside the subject-matter jurisdiction of a *secular social compact*. It's reasonable for local vigilance committees to form for the sake of such monitoring, and for churches and whoever else may be interested, to contribute to such monitoring. Out of such vigilance committees, perpetually existing organizations should develop whose sole purpose is the monitoring of the given river within the committee's chosen geographical jurisdiction. The sole purpose of such monitoring would be to provide evidence for whoever wanted to sue a polluter. This approach is obviously extremely dependent upon local volunteerism. Without this kind of volunteerism, the natural-rights polity is not viable, and the human race would therefore be doomed to follow its current trend towards global totalitarianism. Assuming that such volunteerism exists, the natural-rights polity and *metaconstitution* offer viable solutions to pollution of "waste lands".

Before moving on to the next section, it's important to recognize the importance of the right to travel within this context. Grotius argues for the right to travel in Book II, Chapter 2, section XIII. As expected, he bases his argument on the primordial common ownership of all things that can be reduced to property. Because this commonality is not evident by way of this **exegesis**, the *metaconstitution* cannot base the right to travel on this non-existent principle. As evident in the *metaconstitution* expounded at the Genesis 9:6 encampment, the roads, highways, and right to travel are also based on volunteerism. If such volunteerism exists, then the approach to the right to travel that is indicated at the Genesis 9:6 encampment is viable.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity in its conception of property. So in regard to this extremely fundamental subject, it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(vi) Territorial Jurisdiction

Given that a *religious social compact* has a serious commitment to its integrity and perpetuity, *i.e.*, to maintaining strict adherence to its unique moral code, it will recognize that there are serious problems in allowing outsiders to own property within the bounds of its territorial jurisdiction. In other words, it will recognize a need to make it illegal for foreign entities to own property within its territorial jurisdiction. The *religious social compact* should be structured so that it does not allow non-members of the compact, regardless of whether they are individuals or groups of individuals, to own property encompassed by the compact. This rule of thumb has one significant exception. The land and personalty permanently residing within that territorial jurisdiction should be owned entirely by parties to the compact, and should not be owned even partially by outsiders, for the sake of *religious* integrity, and this is because allowing such ownership by outsiders is equivalent to surrendering control to outsiders. But the exception to this truism is the situation in which the given *religious social compact* is part of a network of *religious social compacts* that are all committed to the same set of principles and doctrines, *i.e.*, to the same worldview. A *religious social compact* can set these ownership constraints in place by way of a *restrictive covenant* that is a subset of the compact. — *Secular social compacts* have a similar need for exclusive ownership. But making laws about such exclusive ownership is much more difficult in the *secular* arena. If a given *secular social compact* is utterly committed to the natural-rights polity, then it makes absolutely no sense for such *social compact* to allow some foreign entity that has no such commitment to the natural-rights polity, to own property, either real or personal, that resides permanently within that territorial jurisdiction. Otherwise, the *secular social compact* is inherently surrendering control over its destiny to foreigners and people who have opposing worldviews. An exception to this need for exclusive ownership exists when the *secular social compact* is networked into a system of *secular social compacts* by way of a treaty or system of treaties that is utterly committed to the natural-rights polity. The impediment to exclusive ownership within a *secular social compact*, an impediment that it does not share with *religious social compacts*, is that a *secular social compact* is barred by its subject-matter jurisdiction from enforcing exclusive ownership through laws under its original jurisdiction. No *restrictive covenant* can exist as an immediate subset of a *secular social compact*, by definition of *secular social compact*. Because such laws would violate the strict subject-matter jurisdiction of the lawful *secular social compact*, there is a need for some more indirect method for attaining ownership that excludes people who are opposed to the natural-rights polity.

One of the reasons the world is currently in such bad shape is because nations and people have so thoroughly bought into ill-conceived notions of "free trade", "free

markets", and capitalism. This is true both among people who oppose capitalism and people who don't. Generally, neither group realizes the extent and mechanism by which capitalism is being throttled by vested interests. As long as capitalism is a host to parasites like cronyism and collusion with jurisdictionally dysfunctional governments, it isn't valid to call it a "free market" economy. Surrender of property within a *secular social compact* to foreign control for the sake of natural rights is the essence of being penny wise and pound foolish. But the lawful and viable mechanisms by which such foolishness is circumvented in regard to such a compact cannot include the initiation of force. — Acquisition by foreigners of property within the territorial jurisdictions of jurisdictionally dysfunctional aboriginal *social compacts* was part of the ploy used by imperialists to take control of foreign nations and territories during the colonial era. This ploy is now being used by globalists to take control of the formerly imperialistic nations from which historic colonialism sprang. One prominent vehicle for such globalist control occurs through international banking, where the central banks and the captured nations are under the control of international bankers who work through the IMF, the World Bank, the Federal Reserve, the United Nations, *etc.*[1]

It makes absolutely no sense for the population encompassed by a genuine *secular social compact* to allow some foreign entity to own property within its territorial jurisdiction, if that population cares about upholding the natural-rights polity. If foreign ownership exists, the people encompassed by the *secular social compact* surrender control over the compact's destiny commensurate with such foreign ownership. This is true to the extent that the foreign owners have no commitment to the natural-rights polity. When the given *secular social compact* is networked into a system of *secular social compacts* by way of a treaty or system of treaties, where the network is utterly committed to the natural-rights polity, then this obviously creates the potential for a block of foreign owners who are exceptions to the general rule, because this block of foreign owners from this network would be much more inclined to believe in the natural-rights polity. Then, citizens of other *secular social compacts* within the network would not pose an automatic threat to the compact's jurisdictional integrity. The *secular* arena's big problem with this need to limit ownership of real property and permanently residing personal property is that such a limitation inherently violates the strict subject matter jurisdiction of the prototypical

1 To get some grasp of the extent of this problem, one only needs to consider the extent to which real property in the *united States* is mortgaged or subject to a deed of trust, *i.e.*, the extent to which it has shifted from being owned absolutely to being subject to a multitude of encumbrances, most prominent among which is a mortgage or deed of trust in which the legal title and the equitable title are not owned by the same person or persons.

secular social compact. So on one hand, there may be people who reside within the territory of a *secular social compact* who want to sell such property to foreigners, regardless of whether those foreigners are committed to the natural-rights polity or not. On the other hand, such sales pose a threat to the *secular social compact*'s integrity. The subject matter of a lawful *secular social compact* certainly allows that kind of sale. But the cumulative effect of transfer of control of such property is a threat to the integrity of the compact. For example, if the economy within a *secular social compact* were dependent upon oil, and the demand for oil was easily met by domestic production, it would threaten the economy if all domestic supplies were sold to foreigners who hate the natural-rights polity, want to deprive the economy, and want to therefore sell all those supplies on the other side of the globe. So sale of property within the territory of a *secular social compact*, to foreigners, is hazardous, and should be curtailed, but cannot be curtailed through laws under the original jurisdiction of the *secular social compact*. There is a need for restriction of such conveyances, but if a secular social compact exacts such a restriction, the restriction inherently violates the natural rights of people who want to sell their property to foreigners. So such a restriction cannot be set as a legal prohibition under the original jurisdiction of a *secular social compact*, although it certainly could be under a *religious social compact*. As a consequence, this aspect of the natural-rights polity is another that can only be lawfully enacted through volunteerism and market forces. It cannot be enacted and enforced as law by a lawful *secular social compact*. The distinction between a *secular social compact*'s territorial jurisdiction, and the ownership of land within that territory, cannot be conflated without automatic jurisdictional dysfunction, and enforcement by a *secular social compact* of such a law is inherently based on such conflation.

In contrast to such strict jurisdictional limitations on a *secular social compact*, the run-of-the-mill *de facto* government doesn't limit the power of government to anywhere near the same degree. One can see this in the degree of foreign ownership of land within the 21st-century *united States*. One can also see this in Grotius' conception of the relationship between the individual's property and the government's territory:

> The property of subjects is so far under the eminent controul of the state, that the state … can use that property, or destroy it, or alienate it, not only in cases of extreme necessity, … but on all occasions, where the public is concerned, to which the original framers of society intended the private interests should give way. But … the state is bound to repair the losses of individuals, at the public expense … (III, 20, VII)

This clearly foreshadows the 5th Amendment's clause that states that no private property shall "be taken for public use, without just compensation". But there is this fiction that is the basis for all this intrusion of the state into the lives of private individuals, namely, that "the original framers of society intended that private interests should give way". As already emphasized, there's scant evidence that such "original framers" even existed. Also, even if they did, there's scant evidence that the people impacted directly by such condemnation ever entered into a compact that allowed such condemnation. — The conversion of existing, jurisdictionally dysfunctional governments into lawful *secular social compacts* will certainly alleviate this *eminent domain* problem. But by replacing these jurisdictionally dysfunctional governments with genuine *secular social compacts*, one creates a vulnerability that didn't exist before, or at least it wasn't much noticed before. And this vulnerability relates directly to this need for exclusive ownership by pro-natural-rights people within a *secular social compact*.

In 21st-century America, there are very few restrictions on foreign ownership of property. Here's another scenario depicting why this is hazardous: Suppose people who were openly Marxist bought all the information broadcasting corporations in the country. Suppose they used these news and information outlets to subtly propagandize the entire nation, so that it became extremely easy for these Marxists to complete their agenda, because the people in general became so brainwashed by the media. Suppose these Marxists included both American citizens and foreign nationals. Under the *de facto* legal system, it would not be difficult for these Marxists to make such a take-over. This is because there are practically no legal impediments to either citizens or foreigners purchasing such information outlets. Under a lawful *secular social compact*, there would also be no such legal impediments. So regarding this issue, the difference between the *de facto* jurisdictionally dysfunctional system and a lawful *secular social compact* is not in their respective laws. The difference must be in the voluntary behavior of their respective populations. In jurisdictionally dysfunctional America, moral standards are generally so low that people care little about protecting the *metaconstitution* from practical extinction. So in their private lives, Americans do little or nothing to preserve and protect their heritage. So people sell to maximize monetary gain without regard to long-term consequences. On the other hand, one should be able to expect that the population encompassed by a lawful *secular social compact* would generally be morally astute enough to only sell to people committed to the natural-rights polity. If people know enough and care enough to make a *secular social compact* viable, then they should know enough and care enough not to sell permanently residing property to deviants.

In 21st-century America, many well-informed people would argue that "cultural Marxists" have been staging a "long march through the institutions" in the *united States* since before World War II.[1] According to such well-informed people, this country has been moving for a long time towards the total elimination of the organic Constitution. The total elimination of the Constitution would make it extremely difficult to construct government based on the *metaconstitution*. Because the *metaconstitution* has been hanging by a thread, or "in exile" as Judge Napolitano puts it,[2] it may seem reasonable to many for *secular social compacts* to implement restrictions on cultural Marxists that inherently violate the *secular social compact*'s subject-matter jurisdiction. But this is not a valid way to combat the cultural Marxists because it violates the natural-rights polity. This may look like the horns of a dilemma, but it's only a dilemma to the *social compact*, not to the market as a whole. There must be a mechanism through which to combat the cultural Marxists and the even more nefarious characters for whom the cultural Marxists are mere stooges. It must be a mechanism that's compatible with the natural-rights polity and *metaconstitution*. That mechanism is nothing more than mass education about the natural-rights polity and *metaconstitution*. The mechanism depends upon the general morality of the population, because it is necessarily voluntary.

If a group of vigilant individuals were to form a stand-alone *secular social compact* out of the rudiments of a vigilance committee, it's not likely that believers in the natural-rights polity would surround these individuals. These vigilant individuals would therefore not expect the population encompassed by their territorial jurisdiction to care about whether foreigners own property within the territory or not. To the protagonists within the *secular social compact*, foreign ownership of property should not be on their list of concerns. But it should certainly be on the list of concerns of protagonists within the economy. Similar vigilantes who somehow take over a local, State, or federal government should also not be concerned about foreign ownership of property. But if there's enough support among a population for the *metaconstitution*, then there should also be ample people within the economy to economically combat foreign ownership. — It's taken millennia for the natural-

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1 This phrase, "long march through the institutions", is generally attributed to German student activist, Rudi Dutschke (1940-1979), but is based on the writings of Italian communist, Antonio Gramsci (1891-1937). — See "Cultural Marxism: The Corruption of America", documentary film directed by James Jaeger, 2010. — URL: https://www.youtube.com/watch?v=gidBuK7_g3M, retrieved 9 May 2017.

2 Judge Andrew P. Napolitano, **The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land**, 2006, Thomas Nelson, Inc.

rights polity to develop. Ideological missteps resulting from impatience will not help the cause. Regarding Murray Rothbard's distinction between absolutists and gradualists,[1] it's necessary for Bible-believing followers of the natural-rights polity to be absolutists who have a good deal of self-restraint, based on their knowledge about lawful jurisdictions. — When an existing government becomes the stewardship responsibility of people who believe fervently in the natural-rights polity, it's crucial that those people forgo the ample opportunities to abuse their power. Forcing people within the territory to transfer foreign-owned property to owners who reside within the territory would be one serious abuse of power. Such local ownership can only be developed through voluntary, consensual, contractual mechanisms, governed by market forces and by neither brute force nor Machiavellian duplicity (fraud). So in both cases of a stand-alone *secular social compact* and a *secular social compact* that is being converted from its historical jurisdictionally dysfunctional condition to consistency with the *metaconstitution*, both faithfulness to jurisdictional principles and faith in the population's ability to be led by the spirit of truth, are crucial.

The fact that the face-value interpretation of Romans 13 passages has been practically the only way to interpret those passages throughout the 2000-year history of Christianity, should be a sign to all that believers in the Bible-based natural-rights polity must remain circumspect, absolutists in principle, but circumspect regarding how to apply such principles. Righteous indignation and corresponding action in the face of obvious *delicts* is necessary and good.[2] But title to extended **secondary property** is something about which the vigilant should generally be circumspect. It's critical to remember that statism has been the standard throughout this history. Exalting the true King of the natural-rights polity, and thereby eliminating the interloping intermediaries and pretenders that have dominated governments throughout this history, should only be pursued with jurisdictional discernment.

> The prohibition respecting the property of individuals being given up, except for some public advantage, is a matter resting entirely between a sovereign and his subjects, and a compensation for losses is an affair between the state and individuals. But in all transactions between a king and foreigners, the act of the king is sufficient to give them national validity, not only out of respect to his personal dignity, but according to the law of nations, which renders the effects of subjects responsible for the acts of the sovereign. (III, 20, X)

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1 Rothbard, **For a New Liberty: The Libertarian Manifesto**, 1978 ed., pp. 14-19.

2 Or as Saint Augustine is reputed to have said, "Hope has two beautiful daughters. Their names are anger and courage; anger at the way things are, and courage to see that they do not remain the way they are."

Of course, this is precisely what one would expect if "the property of subjects is … under the eminent controul of the state" (III, 20, VII). The "effects of subjects" are to be the ransom for whatever statism's jurisprudential sovereign does. Such "eminent controul" is unlawful under the natural-rights polity. But it's crucial to understand that it has been *international law* under the face-value interpretation of Romans 13 passages, and in many respects it's *international law* now. It's reasonable to understand that a lack of wisdom in enforcing theological progress is probably in large part responsible for the lack of success of the English Republic (1649-1660). A repeat of that disaster would not lead to the restoration of monarchy this go around, but to global totalitarianism the likes of which most people cannot imagine.

One result of the conflation of property and territorial jurisdiction was the colonialism and imperialism that were confirmed in their growth after the Peace of Westphalia. This collection of treaties essentially gave permission to European political powers to impose their conception of law and government globally. This was not permission from God or the Bible, but from treaties based on misinterpretation of the Bible. Relating indirectly to such imperialism, Grotius speaks thus:

> A great difficulty arises … respecting the right to property by uninterrupted possession for any certain time. For though time is the great agent, by whose motion all legal concerns and rights may be measured and determined, yet it has no effectual power … to create an express title to any property … [T]hose rights were introduced by the civil law; and it is not their long continuance, but the express provisions of the municipal law, which gives them their validity. They are of no force therefore … between two independent nations or sovereigns, or between a free nation and a sovereign: between a sovereign and an individual who is not his subject, or between two subjects belonging to different kings or nations. … [S]uch points relating to persons or things, are not left to the law of nature, but are settled by the respective laws of each country … [T]he settlement of such [territorial] boundaries is not left to prescriptive right, but the territories of each contending party are, in general, expressly defined by treaties. (II, 4, I)

This clearly leaves the definition of territorial jurisdiction in the hands of treaty makers, who could, with all this power, easily override the property rights of people who have "the right to property by uninterrupted possession". Indigenous peoples throughout the world have had a "right to property by uninterrupted possession". Their claims to land may have been loose because of land's abundance before European invasion. But the fact that indigenous people existed on the land proves that they had some right to it, the longer the time, the more recognizable the right. In contrast, Grotius'

conception of *international law* is obviously based on a bloated conception of the lawful power of so-called "sovereigns". In the *united States*, citizens are "sovereigns without subjects" (*Chisholm v. Georgia*).[1] As such, the conception of territorial jurisdiction based on treaties is completely antithetical to the fundamental principles of the *united States*. In effect, this conception of the power of treaties had the effect of motivating European jurisprudential sovereigns to use treaties to take advantage of people groups who had no idea that European jurisprudential sovereigns were so exquisitely different from ordinary human beings. Imperialism and colonialism were based on this kind of grandiose vision. Even the *united States*, where judicial opinion stated clearly that citizens were "sovereigns without subjects", operated by the so-called "doctrine of discovery" (*Johnson v. McIntosh*).[2] This doctrine finds foundations in Grotius' approach to *international law*:

> [T]he title and right by discovery can apply only to countries and places, that have no owner. (II, 22, IX)

By "no owner", Grotius means no jurisprudential sovereign recognizable under the auspices of European human law. The context indicates that he's not referring to the lack of ownership by an ordinary individual. This attitude justified claims to land all over the globe. These non-Europeans often had no sovereigns the way Europe had sovereigns. When Europeans discovered or concocted jurisprudential sovereigns in these non-European lands, they made treaties in such a way as to benefit themselves and the people who volunteered to be their puppets, and to thereby use *international law* to fleece these supposedly uncivilized people.

Rather than being used as vehicles for taking advantage of the naïve, treaties should be used strictly to protect natural rights. So they should pertain to lawful jurisdictions, and the mutual recognition thereof, and to nothing more. For protection, a *secular social compact* might claim exclusive use of navigable waters abutting its territorial jurisdiction, the same say it must defend its borders against unsympathetic outsiders. Lawful treaties might reinforce such claims.

In conclusion, it should be obvious that Grotius' legal philosophy deviates radically from the natural-rights polity in regard to territorial jurisdiction. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

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1 2 U.S. 419, 471 (1793). — URL: http://supreme.justia.com/us/2/419/case.html, retrieved 29 November 2016.

2 21 U.S. 543 (1823) — URL: https://scholar.google.com/scholar_case?case=310423799 9990733260&q=21+543&hl=en&as_sdr=3,348, retrieved 9 May 2017.

(vii) Parameters for International Contracts & Treaties

Whenever a treaty comes into existence, it's important that the parties have shared interpretational policies. If parties to a treaty have different ways of interpreting it, then those interpretational discrepancies are likely to become a source of disputes, and everyone knows that disputes in international affairs often become wars. So it's important to have interpretational policies spelled out in advance. It's also important to have interpretational policies explicit in regard to international contracts that are not between jurisprudential sovereigns, but are between merchants, businessmen, and others who operate in the international arena.

In regard to contract interpretation, it's crucial to recognize that interpretational policies vary between *secular* and *religious social compacts*, and this has implications for contract construction and interpretation in *de jure international law*. As is clear in Porter, **A Memorandum of Law & Fact about Contracts**, the ***title-transfer model*** of contract interpretation applies in *secular ecclesiastical* courts, while the ***property-interest model*** applies in *religious ecclesiastical* courts.[1] The distinctions between these two models of contract interpretation are spelled out in that memorandum, so a detailed description of their distinctions is not necessary here. The emphasis here should be on how these models apply in the international arena. The difference between the two revolves around their relative treatments of "naked promises". A naked promise is,

> One given without any consideration, equivalent, or reciprocal obligation, and for that reason not enforceable at law.[2]

A naked promise, as identified by Roman law and by English common law, was not generally enforceable. But according to Murray Rothbard's more rigorous definition, a naked promise is one that's not accompanied by a transfer of title to property, where the property is readily recognizable by the court as being property.[3] So a Rothbardian definition would be something like this: *A naked promise is one given without any consideration, or where the title to the property that constitutes the consideration is not properly transferred.* So the distinction between these two models of contracts, and

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1 In fact, the ***property-interest model*** applies in both jurisdictions, but under that model, the treatment of naked promises in the *secular* arena is completely different from their treatment in the *religious* arena. In the *secular* arena, the ***property-interest model*** and the ***title-transfer model*** are essentially the same. In the *religious* arena, they are necessarily different. See Porter, **A Memorandum of Law & Fact about Contracts**. — URL: http://BasicJurisdictionalPrinciples.net.

2 **Black's 5th**, p. 1092.

3 Rothbard, **The Ethics of Liberty**, Chapter 19, "Property Rights and the Theory of Contracts".

these two modes of contract interpretation, revolves around consideration. This is reflected in the following maxim of the Roman law:

> A naked contract is where there is no consideration except the agreement; but where there is a consideration, it becomes an obligation and gives rise to an action.[1]

A naked promise, pact, or contract is sometimes called a *nudum pactum*.

Essentially, a naked promise is a contract lacking consideration. Under Rothbardian rigor, consideration must entail real transfer of title to property in order for it to be genuine consideration.[2] So title transfer is a concept that's crucial to the distinction between contract adjudication in *secular social compacts* versus contract adjudication in *religious social compacts*. To guarantee genuine freedom, *secular social compacts* must follow the ***title-transfer model***. In contrast to this, naked promises must be allowed within *religious social compacts*. So naked promises are rigorously disallowed within *secular social compacts*, while they are necessarily allowed within the immediate jurisdiction of *religious social compacts*. — This discrepancy revolves around the principle that *trespass*-free *mala in se* are unenforceable upon people who have not given prior consent to being subject to such enforcement. Because the general population under the immediate jurisdiction of a *secular social compact* has given no such permission to the *secular social compact*, the *secular social compact* must forgo enforcement of all such *trespass*-free *mala in se*. In contrast to this, by definition, *religious social compacts* permit enforcement against anyone who commits a *trespass*-free *malum in se* within the jurisdiction of the *religious social compact*. Such enforcement in this kind of jurisdiction exists by way of a naked promise given by each party to the compact. Naked promises are therefore extremely important within *religious* jurisdictions, even while they are unenforceable within *secular* jurisdictions, and even though the *religious social compact* might refuse to acknowledge that a naked promise is a naked promise, because of definitions embedded within the ***property-interest model***. — These distinctions have huge ramifications for *international law*.

The only *religion* that is globally enforceable under biblically prescribed human law is what could be called the *secular religion*. According to clearly defined biblical jurisdictions, the only human law that has been prescribed to exist globally is the proscription of people damaging other people. Because this proscription exists in

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1 *Nudum pactum est ubi nulla suest causa praeter conventionem; sed ubi subest causa, fit obligatio, et parit actionem.* — This maxim is companion to another: *Nudum pactum ex quo non oritur actio.* ("*Nudum pactum* is that upon which no action arises.") — **Black's 5th**, p. 961.

2 Property here includes real and personal property, and the latter includes intellectual property, such as "goodwill, trademarks, copyrights, franchises", *etc*.

Genesis 9, it's clear that it is a function of Judeo-Christianity. But according to this feature of Judeo-Christianity, it applies to the entire human race, which means that Judeo-Christians are obligated by their Holy Book to enforce that globally prescribed human law upon whatever person it genuinely applies. So this is an aspect of Judeo-Christianity that could be called a *secular religion*, to distinguish this feature from the rest of Judeo-Christianity. The *secular religion* consists of a proscription of damage by human against human, and it demands that people voluntarily enforce that proscription.[1] The *secular religion* consists of this and only this. So *de jure international law* must conform to the *secular religion*, and must avoid deviating from that conformity. This means that treaties in *international law* must have subject-matter limitations no broader than those of *secular social compacts*. Because genuine unanimous consent is increasingly rare as population grows,[2] it's obvious that *de jure* governments operating in the international arena will be *secular social compacts*. A *de jure secular social compact* cannot lawfully enter compacts and treaties that violate its narrow subject-matter jurisdiction. So treaties must have subject-matter limitations similar to those of *de jure secular social compacts*. It also means that wherever international contracts exist, exclusive of contracts based upon the *secular religion*,[3] they should be interpreted through the ***title-transfer model***, which is also the ***property-interest model*** as it applies within the *secular* arena. — Because *de facto international law* has not been, and is not now, bound by these jurisdictional constraints, *de facto international law* must go through huge changes to become *de jure international law*.

As is obvious by now, Grotius' conception of *international law* does not conform to the constraints embedded in the ***property-interest model*** of contracts. It's also obvious that argumentation about the role of promises in both the "law of nature" and the "law of nations" has existed for a long time. The *de facto* legal system that currently exists in the *united States* has not resolved these conflicts about the role of promises. So their treatment in the courts is currently a hodgepodge. As far as *international law* and *secular* jurisdictions in general are concerned, the posture of this hermeneutical exposition is that Rothbard has argued cogently and correctly

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1 And it also entails that the damage be obvious to people of normal intelligence, no matter what their cultural background, which is why *trespass*-free *mala in se* cannot be treated as damage within *secular* environments. Each infraction lacks an obvious victim.

2 In other words, unanimous consent is inversely proportional to population size. The bigger the population, the less likely genuine unanimous consent. Of course, unanimous consent is also inversely proportional to diversities in language, culture, religion, ideology, *etc*.

3 Meaning, to the exclusion of *secular social compacts* and their lawful treaties.

for the ***title-transfer model***, as that model pertains to the *secular* arena. On the other hand, the ***title-transfer model*** has limited pertinence to the *religious* arena. It would be so constraining to *religious social compacts* as to disable them entirely. So the natural-rights polity incorporates the ***title-transfer model*** as lawfully applicable only within *secular* jurisdictions. In regard to contract construction and enforcement, Grotius' legal philosophy deviates radically from the natural-rights polity, and certainly doesn't distinguish the ***title-transfer model*** from the ***property-interest model*** as the latter pertains to the *religious* arena. So it's important to be very suspicious about the extent to which his misconceptions, similar misconceptions from other legal philosophers, and the general lack of rigor regarding treaties and contracts in historic legal systems, have propagated into 21st-century *international law*.

(viii) Necessary Subject-Matter Limitations on Treaties

As just indicated, the natural-rights polity necessarily holds that in *de jure international law*, no *secular social compact* can lawfully exceed its subject-matter jurisdiction by entering into, or abiding by, a treaty that violates that subject matter. Even if the people running a *de jure secular social compact* have the power to violate the compact's subject-matter jurisdiction, they may not. Violating the compact's jurisdiction automatically converts it from being *de jure* into being jurisdictionally dysfunctional. So treaties in *international law* should have subject-matter limitations within the lawful boundaries of *secular social compacts*.

Given that all people are under the Bible's global prescription of human law, all humans are called to operate by the natural-rights polity. But if some people knowingly refuse to abide thereby, or unknowingly neglect to abide thereby, that's nothing new in human history. They can reap the rewards for their choices the way people always have. But given the destructive capacities of modern weapons, this *laissez faire* attitude about people's adherence or non-adherence to the *secular religion* must necessarily collide with the natural limitations on such non-adherence. Specifically, allowing psychopaths to rule the world is not really an option when such an allowance threatens the extinction of the human race. Assuming the natural-rights polity is rational and sane, a line of reasoning from it that facilitates the carrying by madmen of the nuclear football is necessarily a gross misinterpretation of it. Such rational concerns fall naturally within the subject-matter of *secular social compacts*, and the subject-matter limitations of *secular social compacts* necessarily form the outside boundaries of treaties between *secular social compacts*. A *secular social compact* has the capacity to interface with (i)other *secular social compacts*; (ii)*religious social compacts*; and (iii)states and other entities that have no commitment to the natural-rights polity, and therefore default into being jurisdictionally dysfunctional

secular social compacts. Decisions about how a *secular social compact* should interact with another *secular social compact*, how it should interact with a *religious social compact*, and how *religious social compacts* should interact with one another, are concerns that have already been addressed in the description of the *metaconstitution* at the Genesis 9:6 encampment. The problem centering on how a *secular social compact* should interact with entities that have no commitment to the natural-rights polity still needs some attention. Because what Grotius proposes as *international law* is jurisdictionally dysfunctional, studying his proposals on this front should be helpful. The next sub-chapter, "The Modern Scourge", should deal with the related problem centering on how people should deal with tyrannical entities who have control of weapons of mass destruction. The emphasis here needs to be on more general subject-matter limitations.

Religious social compacts can enter into whatever kind of treaty they want with other *religious* or *secular social compacts*.[1] In contrast to *religious social compacts*, *secular social compacts* can only enter into contracts within their limited subject-matter jurisdiction. Given this limitation, a lawful *secular social compact* can enter into a treaty with a foreign entity that has no commitment to the natural-rights polity, as long as the treaty doesn't violate its subject matter.

Grotius recognized several useful distinctions between various kinds of agreements between nation-states. At some points referring to such agreements as "conventions", he claimed that "conventions may be divided into treaties, engagements, and other compacts" (II, 15, II & III). While "treaties are those contracts, which are made by the express authority of the sovereign power", an "engagement,"

> is what was made by persons, who had no express commission for that purpose from the sovereign power, and whose acts consequently required a further ratification from the sovereign himself. (II, 15, II & III)

So an engagement is different from a treaty similar to the way being engaged is different from being married. In order for the engagement to be lawfully ratified, it must be ratified by the jurisprudential sovereign. Showing how this is supposed to work under the *u.S.* Constitution should be a helpful example: Agents of the federal government, for example, diplomats from the State Department, could be authorized by the executive branch to negotiate a treaty. In Grotius' terms, the result of the negotiations would be an "engagement". These results would go to the Senate for appraisal. The Senate would then assess the engagement and advise the President

1 But it's probably not appropriate to call contracts to which *religious social compacts* are party "treaties", because treaties are historically more functions of secular governments than of churches and religious institutions.

about whether to ratify the engagement or not. If two thirds of the Senate were to consent, and the President were to also consent, then the President, as the executive representative of the jurisprudential sovereign, would ratify the engagement, thereby converting it into a treaty (Article 2, section 2, paragraph 2).

In addition to the distinction between treaties and engagements, Grotius also recognizes distinctions between other kinds of compacts. He recognizes treaties of peace and treaties of alliance. He indicates that treaties of peace cover things like "restoration of prisoners, restoration or cession of conquered places, and other matters providing for its [(peace's)] due maintenance" (II, 15, V). In contrast, treaties of alliance "relate either to commerce, or to contributions for the joint prosecution of war". He claims that a situation in which a dominant nation-state is in treaties of alliance with client states should be called a "league" (II, 15, V). The North Atlantic Treaty Organization (NATO) and the Southeast Asia Treaty Organization (SEATO) are modern examples of such leagues.[1] Because such leagues are of dubious value, it's largely prudent to follow George Washington's admonition to avoid entangling alliances.[2] On the other hand, treaties of alliance are sometimes precursors to confederations (like the Articles of Confederation), and confederations are sometimes precursors to constitutional republics. So whether leagues are good or not, and should be entered or not, depends largely upon their purposes, and upon their potential for manifesting the natural-rights polity. If that potential is low, then Washington is certainly right. On the other hand, if the thirteen colonies had refused to work together via treaties of alliance, the *united States* wouldn't exist. So if a foreign entity shows some inclination towards the natural-rights polity, a treaty of alliance within the strict subject-matter limitations of a *secular social compact* might be a good thing.

Another kind of treaty recognized by Grotius is the extradition treaty. Regardless of whether extradition treaties are treaties of peace or treaties of alliance, they are important to maintaining good relations between different societies. Regarding such treaties, Grotius says the following:

> [A]s it is not unusual for one state to allow the armed force of another to enter her territories under the pretext of inflicting punishment upon an offender, it is necessary that the power, in whose kingdom an offender resides, should … either punish him

1 SEATO is now defunct. It was a significant part of the "Cold War containment policy" of the *united States*, and a reason for the Vietnam War.

2 "[S]teer clear of permanent alliances with any portion of the foreign world". — Washington's Farewell Address 1796. Avalon Project. — URL: http://avalon.law.yale.edu/18th_century/washing.asp, retrieved 18 May 2017.

> itself, or deliver him up to the discretion of that party. (II, 21, IV)

This quote characterizes the significant distinction between normal international relations before the Peace of Westphalia and normal relations afterward. Grotius claims that it was, in his time, and probably going back into antiquity, "not unusual for one state to allow the armed force of another to enter her territories" for the sake of executing criminal justice. How is the state that tolerates the incursion supposed to know that it's strictly for the purpose of such criminal justice, and not an invasion for the sake of eliminating the existing jurisprudential sovereign? An extradition treaty would be a vastly better way to deal with this kind of situation than such an obvious threat of war. Although the norm after the Peace of Westphalia was certainly not global peace, so-called "Westphalian sovereignty" did create a norm in which one state's interference in another state's domestic affairs was discouraged. An extradition treaty, mandating the existence of a valid indictment for a genuine *delict* before allowing extradition, certainly falls within the lawful subject-matter jurisdiction of a *secular social compact*. On the other hand, when laws between two different nation-states are radically different, extradition becomes too complicated to establish a permanent extradition treaty. Between societies dedicated to the natural-rights polity, extradition treaties should practically exist by default.

Relating to extradition, Grotius speaks (II, 25, III) of whether or not it's right for a society to surrender an innocent citizen to an enemy for the sake of avoiding violence. He says that the society is unlawful that does this. On the other hand, he claims that "the law of charity" requires the innocent citizen to surrender himself. The law of charity may indeed require the innocent citizen to put the welfare of the community before his own. But under the immediate jurisdiction of a *secular social compact*, there are no grounds for compelling the innocent citizen because the compact has no grounds for enforcing the law of charity. This line of reasoning applies in general to compelling anyone to do the right thing. It may be right for people to give alms to the poor, but it's a hideous evil for the state to force people to do so.

Although there are certainly points of agreement between Grotius and the natural-rights polity in regard to the limited subject matter of treaties, there are also certainly points of disagreement. One significant point of agreement pertains to his claim that the status of allies, in having "entered into engagements of mutual assistance", cannot "bind either of the parties to the support or prosecution of unjust wars" (II, 25, IV). So it probably is understood already that terms of treaties that "support or prosecute unjust wars" are outside the lawful subject-matter scope of lawful treaties. Even though there is such agreement between Grotius and the

natural-rights polity on such an issue, it should be nevertheless obvious that Grotius' legal philosophy deviates radically from the natural-rights polity in this arena, in regard to numerous other subjects. So it's important to be suspicious about the extent to which such misconceptions propagated into 21st-century *international law*.

(ix) Entry into & Exit from the Global Metaconstitution

Although the specific nature of the Peace of Westphalia has been somewhat controversial among scholars since World War II, there is no doubt that the international system after Westphalia has been different from the system before it. Westphalia marks the end of the religious wars that arose to suppress the Protestant Reformation, and continued thereafter for numerous other muddled reasons. Westphalia also marks the rise of what's been called "Westphalian sovereignty", the nature of which is especially controversial since WWII and the Nuremberg Trials.[1] So it should be obvious that Westphalia marks a major transition in *international law*. It should also be obvious that a similar major transition will be necessary for natural rights to take their proper place in the global arena. This future transition will be from the modern, post-WWII status of *international law* to a status compatible with the natural-rights polity. But that major transition in the future will be characterized by a transition from "human rights" arising by way of the Nuremberg principles and formalized in the "Universal Declaration of Human Rights" (1948), and also by *international law* dominated by the United Nations, to natural rights arising out of the *imago Dei* principle and expressed through a globally established natural-rights polity. That future transition will be the subject of the next sub-chapter, "The Modern Scourge". For the sake of understanding the post-WWII environment, it's necessary to stay focused here on the Westphalian era, because the Westphalian era is the foundation for the post-WWII era. To lay the natural-rights-based groundwork for describing the post-WWII environment, it's crucial to continue comparing and contrasting the global *metaconstitution* with Grotius' conception of *international law*.

If it would have been possible to implement the natural-rights polity in the 17th century, then it would be reasonable to compare and contrast Grotian

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1 "Nuremberg denied the act of state defense which would have justified such actions [(planning, preparing, and carrying out wars of aggression)] on grounds that they were within Nazi Germany's prerogative as a sovereign state." — Remarks originally given at American Bar Association Annual Meeting, August 7, 1995, by Henry T. King, Jr., former U.S. Prosecutor at Nuremberg Trials. — URL: http://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1552&context=jil, retrieved 31 August 2017.

international law with a global *metaconstitution* as though the *metaconstitution* were a viable alternative in the 17th century to the Grotian system that actually came into existence. But because of the pervasive ignorance of the time, implementation of the *metaconstitution* was not a viable alternative in the 17th century. Because it's impossible to change the past, it was impossible for the *metaconstitution* to be a viable alternative to the Westphalian system. So this compare-and-contrast exercise is purely for the sake of replacing obsolete remnants of the past that still exist in the 21st-century with features of the *metaconstitution*. But there is a truth about this process of comparing and contrasting that should be spoken outright. The people of the 17th century were too ignorant to implement the natural-rights polity then, just as the people of the 1st century were too ignorant to implement it in the 1st century. Likewise, people may be too ignorant to implement it in the 21st century. There's a proportionality embedded in this line of reasoning:

> The greater and more widespread the knowledge about how to implement the natural-rights polity, the greater the potential for actually implementing it and manifesting it on planet earth. Likewise, the less and more restricted the knowledge about how to implement the natural-rights polity, the less potential for actually implementing it.

Even though this proportionality is obvious, the *metaconstitution* wasn't obvious in the 17th century, and the Westphalian Peace, flawed though it was in retrospect, was an improvement over the European social superstructure that existed before it. To adequately understand the natural-rights polity, it's important to understand it within the context out of which it is arising. Westphalia formed an international community of states by way of a system of presumably bilateral treaties, and this community can be compared and contrasted with the global *metaconstitution* that is clearly prescribed by Scripture.

When the American system of government was implemented by way of the ratification of the founding documents, it was obvious to practically everyone involved in the process that this was a radically new approach to doing human government. In spite of the difficulties involved in getting this new system to work, there was also a sense of God-ordained destiny alive in the population, evidenced by phrases like "manifest destiny" and "shot heard 'round the world", and also by the fact that much of the revolutionary generation had been steeped in Reformed theology pervasive in the thirteen colonies by way of the First Great Awakening and its residual effects. Before the War Between the States, there was still some fervor to see this new system take hold around the world. As is evident in the critique of the American system at the Genesis 9:6 encampment, that system was too flawed to be

meaningfully propagated around the world. Three overt controversies, slavery, the role of central banking, and whether the *united States* should be understood to be a confederation or a ***national consolidation***, worked together with more covert issues to corrupt that sense of God-ordained destiny. Even so, the *metaconstitution* still deserves and demands to go global. In fact, it should be clear that implementation of the *metaconstitution* is an important part of the discipleship program that Christ mandated in the Great Commission (Matthew 28:19).[1] It becomes undeniable that it's necessary to propagate the *metaconstitution* world wide, similar to the way Grotius believed that his conception of *international law* should be propagated world wide, resulting in an international community of states. So this is the aspect of the *metaconstitution* that should now be compared and contrasted with Grotius' conception: participation in the global *metaconstitution* versus participation in Grotius' international community of states.

In contrast to the natural-rights polity, Grotius' system encourages the global abuse of natural rights by the state:

> [W]hen it was a general opinion that every one had the same right over his life, as over his property, and that right, either by express or implied consent was transferred from individuals to the state, it is not surprising that we should read of hostages, though harmless and innocent as individuals, being punished for the offences of the state … (III, 11, XVIII)

Grotius clearly believed that there was a time in the past when people generally consented to the surrender of their rights to the state, and it's clear that Grotius also believed that this belief was held in common by his audience. And the evidence is that the belief in this commonality did, in fact, exist in his day. People really did believe that once upon a time, "every one had the same right over his life, as over his property, and that right … was transferred from individuals to the state". The most obvious explanation for why this belief has been common in Christendom is that it arises immediately out of the face-value reading of Romans 13 passages. Because the belief in this transfer is usually associated with social contract theories, regardless of what philosopher may be the source of any given variation thereof, it may appear at first that reinterpretation of Romans 13 passages might entail the rejection of the entire social contract theory of government.

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1 Without doubt, this presentation of the natural-rights polity is not perfect. Only Christ is perfect, along with His Word interpreted through His Spirit. The lack of perfection of God's people's representation of His perfection doesn't negate their duties under the Great Commission.

As indicated at the Genesis 9:6 encampment, throwing out the whole social contract theory of government is precisely what Rothbard and other anarcho-capitalist libertarians have done. But Rothbard and company are thereby manifesting a prototypical case of throwing the proverbial baby out with the bath water. The fact that every social contract theory that Rothbard and company ever saw was statist doesn't mean that all social contract theories are necessarily statist. — Grotius' opinion, which was the opinion generally held in common by all of his audience, is not based on a careful reading of the first eleven chapters of Genesis. Like all Bible-believing statists, Grotius starts by assuming that the statism presumably embedded in Romans 13 passages must also be embedded in Genesis 1-11. But there is no such evidence in Genesis 1-11, or anywhere else in Scripture, to support that assumption. Paul's teachings about the covenant of works and the covenant of grace certainly demand that the Bible student see covenants in the early chapters of Genesis. In the Didactic passages that confirm the existence of the covenant of works and the covenant of grace, there is no evidence that those Didactic passages need further interpretation, because their meanings are plain. But in the Didactic passages that contain Romans 13 passages, the radical lack of logic and reason in the face-value interpretation of those passages sets up an automatic demand for further interpretation. The blatant conclusion is that the terminology used in those Romans 13 passages must be terms of art that are defined elsewhere in Scripture. So the lack of logic and reason in those passages demands a search for the meanings of those terms. The undeniable existence of covenants shows that God's dealings with humanity are mediated by covenants. This implies that contracts and covenants should also mediate humanity's dealings with one-another. This fact can and should be used as a hint at how to proceed in the search for those terms of art. The fact that contracts and covenants are crucial implies that social contract theory is necessary. But the necessary existence of contracts and human law does not entail a necessary existence of the state. This is precisely the presumed necessity about which Grotius and company err so thoroughly. — Rothbard and company err by throwing out the social contract with the state. Grotius and company err by retaining both the state and the social contract. Reliable hermeneutics demand throwing out the state while retaining the social contract.[1]

Essentially, in Book III, Chapter 11, section XVIII, Grotius is claiming that at some point in the primeval past, every human had the miniature sovereign's ownership of his/her **primary** and **secondary property**. And like a rabbit out of a hat, Grotius and company assume that there was unanimous consent by all

1 But that is necessarily a social contract defined through reliable hermeneutics, not by some warped philosophy.

humans to the transfer of this ownership from the individuals to the state. Such a transfer would have been an undeniable abdication of responsibility to be miniature sovereigns. That is a thorough perversion of what's clearly in Scripture, and it's done for the sake of forcing Scripture to conform to sloppy **exegesis** of Romans 13 passages. This may not be explicitly what Grotius is doing, but there should be no doubt that this is implicitly what he's doing. The long-term effect of this is that Christian theologians, including Grotius, use Scripture to excuse the state's misbehavior. The state is inherently criminal, being based as it is on theft and threats for its survival. So it's really not surprising that statists take innocent hostages to be "punished for the offences of the state", because states exist by holding their populations hostage. But just as one would expect of someone who doesn't bother to reason systematically, Grotius ends this section about this morbid reality of statism by presenting a sign of self-contradictory hope:

> But when the day-spring rose upon the world, men … found that God, in giving man dominion over the whole earth, reserved to himself the supreme disposal of his life, so that man cannot resign to anyone the right over his own life or that of another. (III, 11, XVIII)

Here Grotius shows the deep and fundamental irrationality and rational inconsistency of his entire thesis. This whole paragraph, starting with "But when the day-spring rose", is essentially Grotius' effort at fixing a problem that he created. In the early chapters of Genesis, God clearly gave every human the task of seeking miniature sovereignty. There is no evidence in the first eleven chapters of Genesis that God retracted that assignment. But to satisfy his misbegotten interpretation of Roman 13 passages, Grotius concocted the state, through which God supposedly retracted His assignment of miniature sovereignty. Even Grotius knew that this was perverse; so he tried to fix that misbegotten problem by claiming that "when the day-spring rose", He restored the task of seeking miniature sovereignty. In fact, there's no sign of the state in the first eleven chapters of Genesis, and there's no sign that God retracted his assignment of miniature sovereignty, through the state or by any other means. So there's no need to bundle the restoration of miniature sovereignty with all the rest of Christ's immaculate works. Christ certainly clarified everything, and fulfilled monumentally. But the state has never been ordained through God's **preceptive will**; so there has never been any need for Christ to partially rescind that ordination by restoring the assignment of miniature sovereignty. The fact that Christ has been ordained as King from the beginning of time doesn't mean that He was ever ordained king of a worldly kingdom. He is certainly King of kings, but He is King of a non-statist domain, not of a statist domain. So this paragraph in section XVIII is essentially bad **exegesis** gone to seed. In fact, statism has no rational

foundation in Scripture. The existence of statism, like Paul's terse and facially statist words in Romans 13:1-7, is a concession to human fallibility, and the accompanying need for tyrants to reign over the disobedient. This need should be understood to be a function of the proportionality indicated above, and that proportionality should be understood to be implicit in Romans 13 passages.

The big difference between a *secular social compact*, regardless of how jurisdictionally dysfunctional it may be, entering into Grotius' international community of states, versus entering into the global *metaconstitution*, pertains to the baggage it carries and the baggage being carried by other compacts that are party to the given community. In Grotius' community, the jurisprudential sovereign is paramount, and there's a radical disconnect between the jurisprudential sovereign's relationships with other sovereigns, versus the jurisprudential sovereign's relationships with his / her / their subjects. In Grotius' system each jurisprudential sovereign is answerable to every other jurisprudential sovereign, by way of the system of treaties that form the community. But the jurisprudential sovereign is not answerable to his / her / their subjects. The subjects are mere hostages, and those hostages would not dare to rebel because such rebellion would surely foment God's Romans 13 wrath, sending the rebellious to hell. Any jurisprudential sovereign who has this kind of grandiose vision of his / her / their office is certainly welcomed in Grotius' community. In fact, this community of jurisprudential sovereigns constitutes a class of humanity distinct from the rabble, and the sovereign's affections might surely be more towards other sovereigns than towards his / her / their subjects. So once the jurisprudential sovereign is in Grotius' international community, he / she / they are not likely to leave voluntarily.

In contrast to Grotius' community, the global *metaconstitution* is the natural-rights polity taken global. With strict definitions of lawful subject-matter jurisdiction, a *secular social compact* can participate in the global *metaconstitution* only by observing such constraints. Once a *secular social compact* has lawfully come into existence through the unanimous consent described at the Genesis 9:6 encampment, it can enter into treaties with other *secular social compacts* within the strict subject-matter limitations. Entry into the *metaconstitution* makes relations between those *secular social compacts* similar to the relations between the States of the jurisdictionally dysfunctional *united States*. As surely as a *secular social compact* can enter the *metaconstitution* through commitment to natural rights and the community-building treaties, each such *social compact* retains the right to exit. Reasons for exiting, seceding, might be a decision to return to jurisdictional dysfunction, or a conviction that the community itself has gone jurisdictionally dysfunctional. So each member State of the global *metaconstitutional* community retains its right to

secede, in the same way that each individual in the system retains his/her miniature sovereignty.

In the Grotian system, almost all interactions between nation-states are accompanied by threats of force. They are almost all accompanied by the knowledge that the agents of the nation-state always have ulterior motives, and those ulterior motives are the best interest of their state. Like the old saying goes, "There is no honor among thieves." The ordinary nation-state is a protection racket at its core. Much, if not most, if not all, of the heroic honor Grotius tries to paint into the international arena is merely lipstick on a pig. That lipstick may have had some applicability in the day when the "classical synthesis" still existed among the European nation-states, because they were all at least nominally Christian. But that veneer of Christianity faded fast, and the pigs it covered produced two world wars, massive democide, and other perversions including global imperialism, fascism, and totalitarianism.

In treaties between inimical "international" entities, there is no real way to eliminate duress and coercion as a significant element of the contract.

> [T]he law of nations allows belligerent powers to alarm each other … into submission upon the most unequal terms, in the same manner, as it gives sanction to many things not strictly equitable according to natural and municipal law. (III, 19, XI)

Who can deny that as long as they are inimical, this is true? Certainly, in the history of statism, it's been necessary for the belligerents to sign the treaties anyway for the sake of peace. Given that the belligerents are *secular social compacts* committed to the natural-rights polity, on one hand, and a foreign nation that has no such commitment, on the other, or given the case that neither belligerent has any such commitment to the natural-rights polity, this long-standing trend will continue. This is a good reason to keep the terms of such treaties limited to the bare minimal terms necessary to secure the peace by way of the ratification of the treaty. Such a treaty will certainly be signed by way of a solemn oath, if it's signed at all. But only time and circumstances can ascertain whether such an oath has been undertaken with duplicitous intentions or not, contrary to Grotius' naivete in regard to oaths (II, 13, I-XIII).

In conclusion, it should be obvious that the international community based on a system of treaties, as described in Grotius' legal philosophy, deviates radically from the global *metaconstitution*. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(x) The Role of Embassies

One of the great advances made by the international system established through the Westphalian Peace was the establishment of common norms for ambassadors and embassies. By this norm, one would think that the establishment of open communications between countries would facilitate peace. May be so. But given the commonplace nature of war since the 17th century, maybe not. — The existence of embassies and ambassadors should be taken as a good thing, in principle. But like most of the rest of Grotius' system, to the extent that Grotian embassies and ambassadors don't follow the principles embedded in the *metaconstitution*, it's not a good thing. An example of why Grotian embassies and ambassadors should be deemed suspect can be seen in his claim that the persons of ambassadors "should be deemed inviolable" (II, 18, I). This is a very serious weakness in *de facto international law*. This inviolability of ambassadors allows foreign rogues to get away with murder. Instead, foreign ambassadors should be held to the same standard as normal folk, and should be treated with the same due process as everyone else within the territorial jurisdiction of any given *secular social compact*. But according to Grotius, ambassadors should generally be free "from arrest, constraint, or violence of any kind" (II, 18, IV). But he also admits that this claim is "subject to some difficulty".

> Equity and natural justice require punishment to be inflicted on all offenders, whereas the law of nations makes an exception in favour of ambassadors, and those who have public faith for their protection. Wherefore to try or punish ambassadors, is contrary to the law of nations, which prohibits many things, that are permitted by the law of nature. (II, 18, IV)

Here once again Grotius claims that his conception of the "law of nations" trumps the moral-law leg of the natural law. He continues supporting this deviance by saying,

> The law of nations, thus deviating from the law of nature, gives rise to those interpretations and conjectures, which reconcile with the principles of justice a greater extension of privileges than the law of nature strictly allows. (II, 18, IV)
>
> The character, which they [(ambassadors)] sustain, is not that of ordinary individuals, but they represent the Majesty of the Sovereigns, by whom they are sent, whose power is limited to no local jurisdiction. … [A]n ambassador is not bound by the laws of the country, where he resides. (II, 18, IV)

This reference to "the Majesty of the Sovereigns" shows clearly that Grotius is basing all these exceptions to the "law of nature" upon a view of government and state that, according to his hermeneutic, must arise immediately out of sacred Scripture

at Romans 13:1-7. This is verified by his claim that the power of the "Majesty of the Sovereigns" is "limited to no local jurisdiction". Grotius believes that like God, these exalted entities are not limited by any local jurisdiction. Given that these entities are human, such claims are simply delusional. Such delusion arises out of face-value readings of Romans 13 passages. At the risk of being accused of beating a dead horse, it's necessary to say again that Grotius is practicing **eisegesis**, starting at Romans 13 passages, and spreading like the plague into his interpretation of the rest of Scripture.

In general, it's probably reasonable for *de facto secular social compacts* to admit ambassadors from other *de facto secular social compacts* into their country. But there should be at least two prerequisites to this if these *de facto* entities aspire to being *de jure*: (i)that the ambassador guarantee at the time of admittance that he/she will abide by the laws that arise out of the *secular religion*; (ii)that the number of such ambassadors from a foreign entity be limited to some small and reasonable number. — The qualification that the ambassador must commit to being subject to the laws of the *secular religion* is essentially an admission that the ambassador's jurisprudential sovereign is not above the law. Grotius and the *international law* that arose out of the Westphalian Peace postured the ambassador as being above the law because his/her jurisprudential sovereign was above the law. The ambassador, as an agent of "the Majesty of the Sovereigns", carried the same gravitas. But for these nation-states to conform to the *metaconstitution*, the jurisprudential sovereign and his / her / their agents cannot be above the *secular religion*. No human is above the *secular religion*, and any *international law* that presumes otherwise is inherently unlawful. Likewise, any diplomats or ambassadors sent by a jurisdictionally dysfunctional *secular social compact* are inherently suspect, and their numbers should be limited to what's necessary, and only to what's necessary. — Even though ambassadors from jurisdictionally dysfunctional *secular social compacts* should be held suspect even if they commit to abide by the laws that arise out of the *secular religion*, they should be "protected from all personal violence" (II, 18, III). As long as the ambassador obeys the laws of the *secular religion*, it's reasonable for that ambassador to be thus protected, as much as any other person within the territorial jurisdiction is protected. But if the ambassador breaks the law, then he/she is thereby making his/her self vulnerable to "personal violence" as part of the punishment for such law breaking. Then the question arises, whether the broken law genuinely arises out of the *secular religion* or not. If it does, then the ambassador's vulnerability to personal violence as part of the punishment for such law breaking cannot be assuaged by *de jure international law*. But if the broken law does not genuinely arise out of the *secular religion*, then the ambassador shouldn't suffer for it. Because history clearly shows that foreigners can be subject to chauvinism and bigotry of people in

the host country, it's reasonable to expect the host nation's law enforcers to make some special effort to ensure the ambassador's safety from being personally violated simply for being a foreigner, or simply for violating some cultural norm. When the laws themselves are bad, they become part of the hazard of being an ambassador. To give an ambassador blanket, *a priori* amnesty from punishment for breaking all laws violates the principle that no one is above the law. But whenever blanket amnesty doesn't exist, the punishment of an ambassador for violating a bad law becomes a risk of being an ambassador. But an ambassador violating a bad law is also a risk to the host nation. By wrongly punishing an ambassador, the host nation makes itself vulnerable to repercussions from the ambassador's nation of origin. By practicing blanket *a priori* amnesty, the international system is essentially adopting the principle, *peace at any costs*. By adopting the *secular religion* as the overarching goal in the international arena, the international system essentially adopts a system of checks, balances, pressures, incentives, and repercussions that are goads towards conformity to the *secular religion*.

There are probably sometimes good reasons to refuse to admit an ambassador into the host nation. Good reasons can all be summarized as possible neglect by the prospective ambassador of the non-aggression principle, as a refusal to abide by the natural-rights polity, or as a refusal to abide by the host nation's laws. On the other hand, there are likely to be times under this more natural-rights oriented international order, when it's extremely difficult to find an ambassador who will go to some particular breeds of nation-state. The host nation might be radically dysfunctional. For example, it might be an Islamic nation-state that applies "Sharia law". If that's the case, then it would be extremely foolish for an ambassador from a *de jure secular social compact* to commit to abide by such laws. Really, the commitment that every ambassador should make should be to abide by the *secular religion*, nothing more, nothing less. But in an imperfect world, it's likely that a host *secular social compact* might be committed to the natural-rights polity in principle, but have a mediocre-to-poor implementation of that commitment. In that case, it's important for the ambassador to be familiar enough with the host's laws to know how to avoid running afoul of them. In the case of a nation-state that has a state religion that is radically at odds with the *secular religion*, such as Wahhabi Saudi Arabia, extraordinary incentives and protections might be necessary to even allow foreign ambassadors and embassies to exist there.

In Grotius' system, because jurisprudential sovereigns and their ambassadors are above the law, they are also above being prosecuted for failing to pay their debts (II, 18, IX-X). Creditors cannot legally enforce a contract with people who are above the law. Under normal circumstances, this is a huge disincentive to creditors.

Who would want to lend money to someone who makes no real commitment to repay? But according to Grotius, "sovereigns, who … are placed above the reach of legal compulsion, find no difficulty in obtaining credit" (II, 18, X). Even though creditors cannot legally enforce a contract with people who are above the law, that doesn't keep them from lending to such people, according to Grotius. Given that this is true, one is necessarily led to the conclusion that creditors must get incentive to lend to these people who are "above the reach of legal compulsion" from some source other than from the sovereign's naked promise. Especially in Grotius' system, because the "property of subjects is so far under the eminent controul of the state" (III, 20, VII), the sovereign has ample access to properties that he/she can secretly pledge in exchange for liquid assets. This means that such a jurisprudential sovereign can manipulate the market to whatever extent he/she dares, for the sake of satisfying promises made to creditors. In a system like this, because ambassadors are also above the law, it's reasonable to surmise that ambassadors will seek special relations with the sovereign for the sake of receiving some of this booty. — This relationship between creditors and the jurisprudential sovereign (and his anointed agents) is a mere glimpse at the massive economic corruption built into Grotius' system. No wonder capitalism has a reputation for ALWAYS being corrupted by vested interests. At the root of such corruption are people who are supposedly above the law. This special relationship between sovereigns and creditors should be a monumental indicator of why central banks are so thoroughly corrupting and should be illegal.

In conclusion, it should be obvious that ambassadors and embassies in Grotius' system diverge radically from their role under the global *metaconstitution*. So it's important to be suspicious about how much these deviations propagated into 21st-century *international law*.

(xi) Cross-Border Migration, Travel, & Commerce

The implementation of the *metaconstitution* definitely impacts policies relating to imports, exports, immigration, emigration, deportation, and short trips to and from any given country. The primary factor governing such cross-border policies, for a *de jure secular social compact*, concerns whether the other country is committed to the *metaconstitution* or not. A specific kind of filter needs to be set up between a *de jure* confederation and a jurisdictionally dysfunctional foreign nation, in regard to such commerce and travel. Because the jurisdictionally dysfunctional foreign nation is not committed to the *metaconstitution*, it would be foolish for a confederation of *de jure secular social compacts* to enter into treaty negotiations with this foreign nation for the purpose of procuring bilateral agreement about the nature of the filter. This is because entities that have no commitment to the natural-rights polity are unlikely to understand what it is, and such negotiations would therefore be a waste of time. So

the *secular social compact* would need to take a unilateral approach to developing such a filter. The filter is necessary because jurisdictionally dysfunctional foreign nations should not be trusted, as a general rule. The unilaterally-developed treaty would be offered to the foreign nation on a take-it-or-leave-it basis. The filter should look something like this: People and material should be allowed to move across the border from the confederation to the foreign nation without any restraints imposed by the confederation. Regarding commerce and travel in the other direction, if people are citizens (or *denizens*) within the confederacy, then they should be allowed entry into the confederation without any prerequisites other than a show of documentation or other evidence to prove that each is a citizen / *denizen*. The same free entry should be allowed for whatever commercial products they may be importing, except for the following kind of qualification: Some citizen / *denizen* should be required to vouch for the safety of imports crossing such a border, even though the imports are tariff-free and duty-free, before entry is allowed, because someone must be accountable for their safety. If a foreign nation has no commitment to the *secular religion*, then it's not safe to assume that its people generally have such a commitment. If this foreign nation does not abide by the *secular religion*, then no one should presume that that nation's exports are safe. Under such circumstances, it's reasonable to assume that the *de jure secular social compact* would have customs agents there exercising lawful *police powers* by ensuring that the imports are guaranteed safe, and that they are indeed not *delict*-prone. — Regarding entry of aliens, no alien from such an inherently inimical country should be allowed entry unless there is a citizen / *denizen* to vouch for the alien, a time limit on the alien's sojourn, and an affidavit sworn by the alien and the vouching citizen / *denizen* indicating that the alien has passed a short course on the confederation's laws, and that the alien has taken an oath indicating that he/she will abide by such laws while abiding within the confederation.

To understand further how cross-border commerce should work, it's critical to first have a grasp of how free markets work. In Book II, Chapter 2, section XIX, Grotius claims, based on prior arguments, that "all men have a right to purchase the necessities of life at a reasonable price". He is thereby implicitly establishing that the Grotian government should be allowed to force sellers to set prices at something the Grotian government considers reasonable. A market's price system conveys important information at the local level. This is because prices are a rough indicator of how much consumers value a given product relative to how much the seller wants to sell it. For the government to force sellers to set their prices at what the government considers "reasonable" is for the government to force sellers to abandon the economic forces of supply and demand in their price setting. Therefore, it is an act by the government of forcing sellers to embed false information in the price system. Such government interference thereby creates a crooked market. Authoritarian governments forcing

false price information is a defining characteristic of totalitarianism. But to be fair to Grotius, he qualifies his claim by saying, "except the owners want them for their own use". So if an owner sells, he must sell at what the Grotian government deems a "reasonable price". But at this point in his book, Grotius doesn't claim that the owner should be forced to sell. He says,

> Thus in a great scarcity of corn, there would be no injustice in their refusing to sell. And yet in such a time of necessity foreigners, who have been once admitted, cannot be driven away, but as St. Ambrose shews … a common evil must be borne by all alike. (II, 2, XIX)

If foreigners "have been once admitted" at such a time of "great scarcity of corn", the morally upright thing to do is certainly to follow St. Ambrose, and share with the foreigners. But as has been emphasized throughout this effort at discerning biblical jurisdictions, moral law and human law are two distinct and in many ways different things. Moral law is an aspect of the natural law, and biblically prescribed human law is a subset of such moral law. But all human law is by no means biblically prescribed. Furthermore, one important feature of biblically prescribed human law is that it follows biblical jurisdictions. Within a Christian *religious social compact*, following Ambrose in his commendation of generosity is certainly the right thing to do. But for a *secular* government to force such generosity is inherently evil, and inherently a violation of the *secular religion*. But like Grotius has already said, "in a time of great scarcity … there would be no injustice in their [(the owners)] refusing to sell". So if they choose to sell in such a scenario, according to Grotius, the government is justified in setting price controls for the sake of eliminating price gouging. But setting price controls to eliminate price gouging is the metaphorical camel's nose. According to the Arabian proverb, "If the camel once gets his nose in the tent, his body will soon follow." If it's permissible for the government to stop price gouging, it's permissible for the government to establish price controls generally. Price controls, regardless of whether they exist to stop price gouging or for some other reason, violate the subject-matter jurisdiction of the lawful *secular social compact*. So it's not lawful for *secular* governments to attempt to stop price gouging, and it's not lawful for *secular* governments to attempt to establish price controls. Both violate basic jurisdictional principles and free-market economics. Price gouging within a *secular* jurisdiction should not be stopped with *secular* law. Price gouging is generally practiced by the morally degenerate, and imposing *religious* laws within the *secular* jurisdiction cannot meaningfully stop it.

Grotius continues in this line of reasoning by saying in section XX of the same chapter, "Now owners have not the same right in the sale of their goods". So according to Grotius, buyers have a right "to purchase the necessities of life at

a reasonable price" (XIX), but sellers don't have the right to sell their goods at a reasonable price. — Contrary to what Grotius is indicating in these two sections, in a genuinely free market, neither the buyer nor the seller may be coerced by the state, or by anyone else. The relation of these distinctions to cross-border migration, travel, and commerce is visible by way of the fact that Grotius cites the ancients to indicate that some nation-states have banned the import of some or all foreign goods (XX). So he's including the selling of goods across international borders in his claims about buyers and sellers. The whole process of selecting which goods to ban and which goods not to ban, and of setting duties and imposts on imported goods, is a breeding ground for corruption, like the imposition of excises. Generally, if a foreign *social compact* has an explicit and verifiable commitment to the natural-rights polity, then they should be allowed to trade across these borders without any interference from anyone. But if the goods are coming from a foreign source that does not have such a commitment, then there are certain constraints that need to be placed on the imports: (i)There should be some citizen or *denizen* of the *secular social compact* into which the goods are being imported, who will vouch for the safety of the goods. (ii)There should be some customs agent of the *secular social compact* who will also vouch for the safety of the goods, and who will do so based upon his/her inspection of the goods. (iii)There should be some fee paid by the importer, where the fee pays for nothing more or less than the expense of the customs inspection and whatever paperwork is necessary to establish the import's safety.

Grotius continues in Book II, Chapter 2, to speak further of trading and commerce across borders. As is evident in international trade agreements like NAFTA, one characteristic of 21st-century *international law* is that it allows, even encourages, *secular* governments to enter into trade treaties. It's obvious in what Grotius says that the same characterized the Westphalian era. But in the *metaconstitutional* era, it's outside the subject-matter jurisdiction of every genuine *secular social compact* to entertain such a trading partnership. When governments are involved, there is always force involved somewhere, and force that is not response to the initiation of force is always coercion, and coercion ALWAYS creates market distortions by distorting choices. But what appears to be a market distortion can also result from situations in which there is no coercion, but merely one party being more economically efficient than the other. Such an apparent market distortion could be created by a private, cross-border contract between entities in two lawful *secular social compacts*, where both compacts are committed to the natural-rights polity. No lawful *secular social compact* has any grounds for meddling in such transactions, unless it can be proved that the contract constitutes a conspiracy to damage, and the damage, or potential damage is real, and not merely the result of non-coercive market forces.

While it's clear that a *jural society* and a *secular social compact* have no lawful authority to deport a *denizen*, it might not be so clear that they also have no lawful authority to deport an alien, unless the alien has committed a *delict*. Depending upon the nature of the alien, an alien's mere presence within the territorial jurisdiction of a lawful *secular social compact* might pose a threat, and therefore constitute a *delict*. Deportation that is neither *ex delicto* nor *ex contractu* is inherently outside the lawful jurisdiction of all *secular social compacts*. The *ecclesiastical compact* can only get jurisdiction over an alien by way of the alien's participation in a contract being adjudicated by the *ecclesiastical society*. So there might be a *prima facie* appearance that the *secular social compact* is extremely vulnerable to being inundated by waves of aliens. If aliens cross a border between two geographical jurisdictions, where each jurisdiction is clearly committed to the natural-rights polity, and the immigrating aliens are acculturated to the jurisdiction they're exiting, and if they show no sign of being inimical, then it's probably true that the *secular social compact* can do practically nothing lawful to stop the immigration. On the other hand, if the aliens are crossing a border from a jurisdiction that has no commitment to the natural-rights polity, into a jurisdiction that DOES have such a commitment, and if they are acculturated to the jurisdiction they're exiting, then the aliens are inherently a threat to the *secular-religion*-honoring society. They're a threat because they have no obvious commitment to natural rights, and are therefore likely to abuse such rights. Unless the aliens are clearly identified as refugees, on a person-by-person basis, a flood of aliens from an inimical territory is inherently a threat, and therefore a *delict* perpetrated by each alien. The *jural society* is therefore lawfully authorized by the circumstances to address the threat according to the life-for-life proportionality, and thereby to do whatever is necessary to stop the flood. — If an alien chooses to lawfully emigrate from a jurisdiction that is not committed to the natural-rights polity, into the jurisdiction of a lawful *secular social compact*, then, depending upon the length of time the alien stays in the lawful jurisdiction, there should be some kind of voluntary supervision of the alien's stay by citizens knowledgeable about the natural-rights polity who would act as sponsors and teachers of the alien.

Further limitations on immigration from inimical territories exist on another basis. The vast majority of the land over which a stand-alone *secular social compact* has geographical jurisdiction is privately owned, which means that it would be extremely difficult for an alien to enter into such territorial jurisdiction without perpetrating *trespass* on someone's land.[1] Such *trespass* would certainly be grounds

1 Given the natural right to travel, if there is no thoroughfare available, it might be necessary for a traveler to travel across private property, as long as he/she can do so without doing damage. But if the traveler is an alien coming illegally from someplace that has no

for deportation because it is a *delict*. Furthermore, if the country from which the alien comes has no explicit commitment to abide by the natural-rights polity, then it would be foolish for such a lawful *secular social compact* to assume that someone crossing into its geographical jurisdiction from this foreign country, without going through the proper channels, was not inimical. Being inimical, the alien is a threat, and a threat is a *delict*. So the *jural society* has jurisdiction under such conditions, and therefore power to deport.

In conclusion, it should be obvious that Grotius' approach to cross-border migration, travel, and commerce deviates radically from the natural-rights polity. So it's important to be very suspicious about the extent to which his misconceptions, and similar misconceptions from other legal philosophers, propagated into 21st-century *international law*.

(xii) Conclusion

To people committed to biblical Christianity, the most profound change in Christendom resulting from the large-scale implementation of Grotius' legal philosophy via the Westphalian Peace, pertained to Church-state relations. The Westphalian Peace made it internationally recognized as legal for the *de facto* sovereign of each *de facto* nation-state to have a pet religion. In other words, the existence of a state religion in every state in Europe became the accepted standard. Prior to the Reformation, the Roman Catholic Church had reigned supreme throughout western Europe, where the upper tier of the Roman Catholic hierarchy more-or-less controlled the *secular* arena through the influence of the propagandizing class, meaning through the priests and other clerics. When the Reformation started in 1517, the Magisterial part of the Reformation came under the protection of local magistrates, the state. So from that point forward, each Protestant country had a state religion and a state church. At the Peace of Westphalia, Roman Catholic countries agreed to recognize and accept these new circumstances rather than to continue warring against them. The Roman Catholic countries continued to uphold the old medieval circumstances in which the pope in Rome was the head of the Church in every Catholic country. The Catholic countries did not follow the Magisterial Reformation's pattern of allowing the jurisprudential sovereign to default into being the head of the state church within the given state territory.

Neither the Roman Catholic Church nor the churches of the Magisterial Reformation came close to understanding and implementing the distinction between *secular social compacts* and *religious social compacts* that has been discovered

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commitment to the natural-rights polity, then that right to travel is overridden by the fact that the immigration, by itself, is a threat, and therefore a *delict*.

through the hermeneutics used herein. But a major step towards such recognition would happen by way of the "non-conformists" who escaped England, Scotland, Wales, and Ireland in the 17th and 18th centuries so that they could practice their faiths free from the oppression of the English state church. These were primarily Calvinistic Pilgrims and Puritans in New England, Puritan-leaning Anglicans in Virginia, Presbyterian Calvinists in New Jersey and Pennsylvania, Anabaptists in Pennsylvania, Roman Catholic non-conformists in Maryland, *etc*. These were mostly people who were inclined to follow the leading of their own religion, rather than the dictates of the English state religion. But most of these colonies were essentially jurisdictionally dysfunctional *religious social compacts* that still followed the Westphalian practice in which each political unit had its own specific and exclusive religion.

When the framers of the organic documents of the *united States* implicitly embedded the need for distinguishing *secular social compacts* from *religious social compacts* in the religion clauses of the 1st Amendment, they essentially broke with the Westphalian tradition of having a one-to-one correspondence between religion and state. They essentially created a situation in which some *social compacts* could encompass multiple religions, while other *social compacts* could continue the Westphalian practice of having a one-to-one correspondence between *social compact* and religion. This implicitly created a need for the characteristics of these two kinds of *social compacts* to be defined and identified. This definition and identification of *secular* and *religious social compacts* did not happen before the Bill of Rights was ratified, before the inauguration of America's first central bank, before the War Between the States, before the establishment of the Federal Reserve and income taxation, before the New Deal's monumentally collectivist programs, before World Wars I and II, before the existence of the United Nations and all the creeping globalization that parallels it. In short, it didn't happen before jurisdictional dysfunction gnawed away at the constitutional foundations. The identification of these two overarching kinds of *social compacts* has not happened until this articulation of these hermeneutical principles and this **exegesis**. The distinction between these two kinds of *social compacts* has been implicit in Scripture all along. But this distinction has been cloaked from human recognition and articulation for a variety of different reasons, all of which can be summarized by saying that God cloaked them. Now He's uncloaked them. So now it's possible to segregate that aspect of Grotius' legal philosophy, and likewise that aspect of *de facto international law*, that is inherently religious, from that aspect that is congruent with a *secular social compact* and abides by the *secular religion*. It turns out that this parsing yields a huge pile of religious detritus that has no place in the *secular* arena, because enforcement of it in the *secular* arena violates the *secular religion*. This parsing also yields a

huge pile of *secular* detritus that's identifiable in more recent times (like secular, "public" education, "corporate welfare", and "federal" "entitlement programs", as examples), that constitute unlawful competition with Bible-based *religious social compacts*, because they violate the jurisdictional boundary between *religious social compacts* and *secular social compacts*. Given the jurisdictionally dysfunctional nature of the 21st-century *united States*, these basic jurisdictional principles provide a way to protect Christian churches, and the religious institutions of other religions, from the overwrought secularization that now curses the American nation-state, and that also curses all nations and peoples through the current globalization processes.

Beside the subjects covered by the twelve sections within this sub-chapter, there are certainly others that are encompassed by *de facto international law* that this examination of Grotius' system has not covered. Issues like monopolies, taxation, international pirates, and refugees are all issues that Grotius examined to some extent. The lawful approach to these and other issues can be ascertained by rationally applying the *metaconstitution* as it's already been described, and as it will continue being described in the next sub-chapter. — It's crucial to bear in mind that the moral-law leg of the natural law, as it applies to individuals, generally applies equally as much to jurisprudential sovereigns. Even though jurisprudential sovereigns deal with massive groups of people and therefore face problems that many individuals don't, jurisprudential sovereigns are subject to the same moral law in all of their actions as ordinary people. This fact that no one is above the law is one of the essential differences between the global *metaconstitution* and the *de facto* international legal system. In both of these systems, no one is above the moral law. Under the global *metaconstitution*, no one is inherently above global human law either, because such human law is based on the global *negative duty*. But the *de facto* international legal system isn't like that. In Grotius' system, and to a huge extent in current *de facto international law*, there is something like a caste system composed of sovereigns and subjects, where sovereigns are largely above the law, and subjects are not. This creates an "international" class of "sovereigns" who are normally inclined to connive together against the worldwide underclass. As the next sub-chapter will show, this is largely what the United Nations has been from its inception, baroque euphemisms to the contrary not withstanding.

The UN promotes the class of "sovereigns" working in harmony together against the worldwide underclass, under the pretense that it's a humanitarian institution working for humanity as a whole. The UN promotes nation-state sovereignty, or deprecates it, according to the judgments of the General Assembly, the Security Council, and other related entities, which often serve neither ordinary people nor nation-states. But as the next sub-chapter will show, the UN also manifests a propensity

in the international arena toward migration of powers generally characteristic of jurisprudential sovereigns within nation-states to the single jurisprudential sovereign represented by the UN. This is a more advanced stage of a long-standing globalization process that started with the Peace of Westphalia. As long as the globalists can keep the underclass ignorant of what they're doing, this parasite can apparently feed off this host indefinitely. — It is the gross misinterpretation of Romans 13 passages, that has allowed and encouraged the development of this contradiction in *international law* since Constantine supposedly Christianized the Roman Empire. The face-value reading of Romans 13 passages **eisegetically** assumes that the human race is naturally prone to statism. This misinterpretation of Romans 13 passages merely encouraged the normal but unnatural tendency of fallen humans to ignore their duties as miniature sovereigns, and to keep the human race split between those above the law and those not above the law.

It's practically impossible to eliminate this two-tiered system of human government as long as ordinary people refuse to accept their duties under the biblical prescription of human law. Such neglect and refusal create a power vacuum, a need for justice. When people don't satisfy that need by way of the natural-rights polity, then it will either go unsatisfied by any human, or it will be satisfied through some system other than the natural-rights polity, but in some ultimately jurisdictionally dysfunctional way. All other human systems are prone to creation of this caste system, meaning that neglect and refusal to exercise the natural-rights polity is invitation to tyranny, and to the social destruction that accompanies it.

The less comprehensively the Bible is applied to problems in the real world, the more vulnerable the visible Church is to theological subversion through introduction of opposing theologies and worldviews. This inverse proportionality goes some distance in explaining why Reformed theology went into decline, while semi-Pelagian, Arminian, synergistic, and other non-monergistic theologies came to dominate western Europe, after the Peace of Westphalia, even becoming massively dominant in the Protestantism of the *united States* during and after the 19th century. The next sub-chapter will make a cursory attempt at comparing and contrasting modern *de facto international law* and the global *metaconstitution*, and in passing, will explain this usurpation of sound biblical soteriology by these more-or-less mediocre pretenders.

Sub-Chapter 4:
The Modern Scourge

Every human is prone to the manufacture of idols out of vain imaginations, and then to the worship of such idols. It's part of the human condition. Then humans are prone to share their idols with one another, and to follow one another in worshiping them. As seen in the Tower of Babel episode, collective idolatry can be understood to be "group-think". Group-think is a syndrome that the Tower of Babel episode portrays. The Tower of Babel's object lesson is: ***avoid group-think***. By dividing humanity into a variety of nations, languages, lands, and clans, God was clearly teaching humanity a lesson. The Babel object lesson may consist of more than merely, avoid group-think, but it is necessarily at least an object lesson that tells mankind that humans in general, as social beings, are prone to centering their societal interactions around idol worship, meaning around objects the worship of which inherently violates natural law. In the above examination of the life cycles of civilizations, it's clear that such group-think can become extraordinary, and may entail extravagant nation building and nation conquering. That kind of group arrogance is reminiscent of Psalm 2, because Psalm 2 can be taken as further commentary on this group-think propensity:

> Why are the nations in an uproar
> And the peoples devising a vain thing?
> The kings of the earth take their stand
> And the rulers take counsel together
> Against the Lord and against His Anointed, saying,
> "Let us tear their fetters apart
> And cast away their cords from us!"
>
> He who sits in the heavens laughs,
> The Lord scoffs at them.
> Then He will speak to them in His anger
> And terrify them in His fury, saying,
> "But as for Me, I have installed My King
> Upon Zion, My holy mountain."
>
> Psalm 2:1-6 (**NASB**)

All people who take the Bible seriously know that when God says in verse 6, "I have installed My King Upon Zion", He is speaking of His Son, the Messiah, the Christ. Jewish and Gentile Christians know that He is speaking more specifically of Jesus Christ, *Yeshua HaMeshiah*, and not merely of some idealized entity who has never appeared on the earth. The Lord is telling all these earthly kings that He has installed Yeshua, His King, upon Zion; so who do all these pretenders think they

are? — The nations are in an uproar because they like to build their tower of power according to their own preconceptions, and not be hassled with concerns about whether what they're doing is right or not, and about whether the god they thereby worship is the true God or a false god. They reject God's sovereignty, and claim His sovereignty as their own. Because the kings and rulers are fallen creatures, they'll never get approval from God for their plots to devise a vain thing. Because they have little or no understanding of the laws of the Messiah's kingdom, their devising, conniving, and manufacturing rules by which to govern always fall short. They and the people who follow them become angry at their own shortcomings, and blame God, projecting their inadequacies onto Him. God laughs and mocks them in contempt. Humans are fallible, and their pretense to being otherwise is an invitation to ridicule. Because humans are fallible, their laws are fallible. This fallibility of human laws will not be overcome this side of the New Jerusalem, because nothing about humans is perfect on this side of it. Although the natural-rights polity is based on the Bible, and therefore on the perfection of Christ's kingdom, it cannot be understood or implemented perfectly this side of the New Jerusalem by any set of fallible humans. Humanity's best efforts at building the best society will always be like filthy rags relative to God and the King He has installed on Zion. The best humans can do in their society construction is to follow the instructions in verses 10-12:

> Now therefore, O kings, show discernment;
> Take warning, O judges of the earth.
> Worship the Lord with reverence
> And rejoice with trembling.
> Do homage to the Son, that He not become angry,
> and you perish *in* the way,
> For His wrath may soon be kindled.
> How blessed are all who take refuge in Him!
>
> Psalm 2:10-12 (**NASB**)

Those committed to taking refuge in Him can at least follow His instructions. Even though their following is always short of perfect, it's still nevertheless much better than not following at all. Although the natural-rights polity cannot be understood and implemented perfectly, taking refuge in Him, doing the Son homage, and showing discernment, all entail at least making the effort to implement the natural-rights polity. In the final analysis, the "fetters" the arrogant regularly try to break are the natural law itself, which cannot be broken. They try in vain and suffer accordingly.

(i) Hermeneutics & Timeline

Thus far this examination of the international arena has moved the focus of the jurisdictional timeline of the Tower of Babel encampment from the beginning of the ***many-nations epoch*** at the Babel division, up to the Peace of Westphalia. Now it's necessary to move the focus of the timeline forward to the present circumstances. The jurisdiction of the global covenant, as it existed immediately after Babel, is essentially the same overall jurisdiction that exists in *de jure international law* to the present day. The biblical sequence of events described in Genesis 9:18-11:32 exist primarily under the jurisdiction of the global covenant. The subsequent part of the Bible, from Genesis 12:1-Revelation 22, is dedicated primarily to the jurisdictions of the local covenants, starting with the Abrahamic covenant, all being focused on the fulfillment of the Genesis 3:15 prophecy. The fact that this **exegesis** is focused primarily on jurisdictions, and on time sequences as a sub-function of jurisdictions, implicitly makes allowances for anyone following this hermeneutic to shift the focus on the jurisdictional timeline. *International law* in the modern era is inherently governed by the global covenant, not by the local covenants, even though the local covenants have certainly had impact historically on the development of *international law*.

With it understood that Psalm 2 describes the general lay of the land in the field of government construction, and with it understood that jurisdictions overlap time sequences as both are important **exegetical** concerns, it's possible to start thinking about how to move the focus of the jurisdictional timeline from the Peace of Westphalia to the present. It's obvious in the above appraisal of Quigley's description of civilizations that the compulsion towards vanity and arrogance has characterized the building of all civilizations. But Quigley's works cannot be trusted to point to a remedy for this compulsion. The standards established by the Westphalian international community certainly don't offer a remedy. Westphalia was, in many ways, an initial step towards the reaggregation of humanity into the kind of single, monoglot society that existed prior to the Babel division. But like every other step in that direction, it has been extremely flawed. In fact, between now and the New Jerusalem, there's no good reason to expect that any such move will be flawless. By moving the focus of the global covenant's jurisdictional timeline forward from Westphalia through the American War for Independence and Constitution, it's certainly possible to start seeing some glimmer of hope for an at least partial remedy to this vanity and arrogance syndrome.

As the Genesis 9:6 encampment showed, the *metaconstitution*, by way of the Declaration of Independence, is based at least implicitly on the prohibition of bloodshed / damage in Genesis 9:6. As is evident in that encampment's description

of the *metaconstitution*, constitutional hermeneutics is inherently dependent upon biblical hermeneutics, and Christians should not ignore this dependency, regardless of how fervently the arrogant may insist on ignoring it. But this clear dependency of constitutional hermeneutics upon biblical hermeneutics was not fully recognized in the early days of the American republic. In fact, there were essentially two sets of interpretational policies that developed for interpreting the Constitution, neither of which was grounded in biblical **exegesis**. Understanding the difference between these two constitution-interpretation policies is crucial to understanding how the American legal system has developed since the founding. But before entering into that examination of constitutional hermeneutics, it's important to have an overview of the development of biblical hermeneutics since the Reformation, because of the major contribution to biblical hermeneutics made by the Magisterial Reformers. Also, because of the connection between the thirteen American colonies and their mother country, and because that connection inevitably influenced the development of constitutional hermeneutics, it's crucial to examine what was happening in Great Britain at the time of the adoption of the Westphalian treaties. Those 17th-century circumstances were foundational to the War for Independence and the subsequent construction of the Constitution. This process of moving the focus of the global covenant's jurisdictional timeline forward from Westphalia should discover at least three object lessons, lessons from history and Bible that will assist in the construction of the natural-rights polity.

The first object lesson can be seen to arise out of the English Commonwealth. While the continental Europeans were negotiating the Peace of Westphalia in 1648, the English were in the second of three civil wars that are collectively known as the English Civil War (1642-1651). Although that set of wars started over unresolved political disagreements, it soon became evident that the Parliamentarians ("Roundheads") were largely led by "Puritans", while the Royalists ("Cavaliers") were committed to Anglicanism that had the king as the head of the church instead of the pope.[1] These issues are important not only for the sake of the object lesson, but also because, in some respects, the American War for Independence was a continuation of the English Civil War and a re-establishment of the Republic on

1 The ideological composition of the Anglican Church is complex. It started with Henry VIII setting himself up as the head of the church in England instead of the pope. During his reign, the Archbishop of Canterbury, Thomas Cranmer, led the Anglicans in the Reformed direction. By the time Charles I was king, Anglicanism contained both "High Church" and Reformed factions. But Charles I led the Anglicans in the Arminian direction, evidenced by his appointment of William Laud as Archbishop of Canterbury in 1633.

a different constitution and continent. The continuation of the English war in the form of the American war is evident by understanding who the Puritans were, and the influence that they had on pre-revolutionary American thinking. Both the 17th-century English Puritans and the 18th-century Americans were essentially searching for the natural-rights polity on the road of hard knocks.

The Puritans were essentially Reformed Christians, people who popularized the Reformed hermeneutic by following Luther, Calvin, and others. That hermeneutic is the foundation for this booklet, and the hermeneutic for which this booklet provides an extension. They were Calvinists, the same kind of Christians who settled the Plymouth Colony and the Massachusetts Bay Colony in what's now New England, during the first half of the 17th century. It's important to understand the Puritan role in the English Civil War and Republic because that is part of the cultural legacy inherited by the New England Calvinists, and by all the colonists who benefited from the Calvinistic Christianity spread broadly within the Atlantic seaboard during the First Great Awakening.

After the Parliamentarians, and therefore the Puritans, won the English Civil War in 1649, they faced an unparalleled opportunity to apply their theology to the construction of new and better government. In the early days of the Commonwealth, there was a good deal of religious freedom, because anyone who disagreed with the Church of England was then able to express that disagreement with impunity. According to lectures given by theology professor, Dr. Michael Reeves, "This freedom meant that England in the 1650s played host to a hoard of radical groups",[1] some of which were purely libertine. For example, the Ranters claimed that sin was an illusion, and they defended adultery, public nudity, and blasphemy. "They were very useful to critics of the Puritan enterprise, because critics asked, 'Is this what being fully Reformed looks like?'"[2] The Puritans responded to such criticism by doing what their theology and hermeneutics most inclined them to do, which was to move towards setting up a theocracy. They attempted to "enforce strict Christian behavior on the nation. The theatres were closed. Adultery became a capital crime. Swearing … could merit a hefty fine. The Sabbath was legally protected, so any walking abroad, except for going to church was illegal, and … holidays such as Christmas were abolished and replaced with monthly fast days."[3] For Christians to voluntarily live

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1 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #9, "Cromwell and Charles II".

2 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #9, "Cromwell and Charles II".

3 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #9, "Cromwell and Charles II".

by Christian standards is one thing. For Christians to cram Christian standards of morality down the throats of the unwilling is something else entirely. For people who believed in the Reformed hermeneutic as it existed at that time, such cramming was just part of the program. But everyone else generally detested it. "They couldn't stomach it. It was an experience really that would tar Puritanism forever after in the English mind, and people began to long for the easy ways, of a merry government."[1]

In response to the Puritans' attempt at imposing theocracy, the English people in general wanted to abandon the Republic and for the monarchy to return. Lord Protector Cromwell died in 1658, and his son Richard took his place for about six months. With "the lack of any capable successor to Oliver Cromwell, the people were quick to offer the rulership of England to Charles, the son of the king they'd executed. Charles II, who returned … from exile, he was the very opposite of everything England had seen for the last decade, through the Commonwealth, the Republic. The 'merry monarch' … was very cavalier about theological differences. If anything, Charles was a Roman Catholic at heart. On his death bed, he converted to Roman Catholicism. In this atmosphere, the reaction against Puritanism was popular and savage."[2] — Bible-believing Christians should take these historical circumstances as an object lesson. Instead, in modern times, exponents of so-called "Dominion Theology", "Christian Reconstructionism", "Theonomic Reconstructionism", *etc.*, have committed themselves to making the same mistake again, the mistake being the imposition of theocracy on people who haven't volunteered for it, and who are outside its lawful jurisdiction.

Shortly after Charles II returned from exile in 1660, he imposed new laws that re-established the Church of England and made non-conformity illegal. "Puritanism was legally gagged."[3] Preaching and teaching without a license, or in contradiction to Anglican standards, became a crime. "Religious assemblies of more than five people, outside the Church of England, were banned. … In short, the iron fist of the government slowly strangled Puritanism to death."[4]

> Charles II's regime was attacking the very roots of Puritanism with withering effect. It was soon public law that public offices

1 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #9, "Cromwell and Charles II".

2 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #9, "Cromwell and Charles II".

3 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #12, "The Demise of Puritanism".

4 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #12, "The Demise of Puritanism".

> could only be held by Anglicans, and only Anglicans could go to university. It wasn't just that this made non-conformists second class citizens. The real problem was this: Universities, Oxford and Cambridge, had been the Puritans' seminaries and education and training grounds. When the next generation was barred from such education, the men of theological calibre died out, leaving Puritanism to be an increasingly shallow movement that would never be taken seriously again. Without strong biblical education, over the years that followed, many of the Puritans' followers, descendants, successors, began to drift outside of orthodoxy and began to deny such Christian basics as the Trinity. … There were still evangelicals in the Church of England, but so many had been ejected, gagged, suppressed, that the old movement found itself even more scattered and leaderless until, by 1700 or so, nobody spoke much of Puritans any more. Instead, people spoke scornfully of "dissenters", an ostracized, impotent group that was easily dismissed.[1]

Modern Christians should take this tragic end of English Puritanism as an object lesson. The object lesson is that the Reformed hermeneutic without this hermeneutical extension is inadequate in the arena of law and government, even though it is by far the best in the realm of soteriology, Christology, and most other arenas of Christian theology. Without the hermeneutical extensions being described in this booklet, applications to the legal arena that arise out of the original Reformed hermeneutic lead to jurisdictional dysfunction which is likely to generate blowback. This is the first object lesson in this shift along the timeline. It's evident in the Bible, as made clear at the Genesis 9:6 encampment.

There is another object lesson that arises out of this era of English history. This second object lesson arises out of a syndrome. Because of this syndrome's relation to biblical hermeneutics, and because the syndrome appears in 21st-century culture in an especially destructive form, the syndrome as it existed in the 17th century demands cursory examination. The syndrome pertains to what's now called "science". More specifically, it pertains to the relationship between science and biblical Christianity. — The era immediately after the restoration of the monarchy encompassed the development by Isaac Newton of what's now known as "classical physics". This marked a major advance in the scientific enterprise. At that time, physics and mathematics were understood to be parts of and outgrowths of philosophy, and philosophy was understood to be the "handmaiden of theology". So in Newton's day, scientists

1 Reeves, Dr. Michael, **The English Reformation and the Puritans**, 2014, DVD, Orlando, FL, Ligonier Ministries; Lecture #12, "The Demise of Puritanism".

were usually called "natural philosophers". It was largely assumed that because God was the author of both general revelation and special revelation, there would be no inherent conflict between these two forms of revelation. That assumption is still necessarily part of every true Bible believer's theology. But Newton's theology shows that there were cracks in this belief even in his day, cracks that would expand into chasms as science advanced over subsequent centuries. Because Newton's private writings have become publicly available in recent decades, it's now evident that secretly, he did not believe in the Trinity, and he had other heterodox beliefs as well. There's plenty of evidence that he believed in God, but evidence also abounds that he did not believe in the Trinitarian God of biblical Christianity.[1] Newton's hidden heterodoxy marks a syndrome that has come to characterize science in general in subsequent generations. Scientists can become extremely focused on their scientific investigations, and allow the rational consistency of the Bible, and the rational consistency between their investigations and biblical Christianity, to go ignored or neglected. Out of this neglect, ignorance, and arrogance, a bifurcation arises between science and Bible. It is not a rationally necessary bifurcation. It is a bifurcation that arises out of scientific ignorance of, or intransigence against, sound Bible-based theology, and out of ignorance or intransigence among theologians in regard to science. This bifurcation is a societal wound that allows scientism to arise as a religion aimed at replacing Bible-based Christianity with presumption. Although Newton's heterodoxy was not public knowledge while he was alive, it nevertheless marks a pattern of scientific defiance of orthodox Christianity. If the Church doesn't endeavor to produce orthodox intellects as resourceful as Newton, then it shouldn't be surprised when its seminaries and universities go rogue. So this object lesson is a call to vigilance on this intellectual, "natural philosophy" front. It's a call to admit that abandonment of natural theology is folly; abandonment of the quest to understand God as He reveals Himself in nature is folly; and abandonment of the quest for rational consistency between extra-biblical facts and biblical facts is also folly. This second object lesson is both explicit and implicit in the Bible, and it's implicit in the Reformed hermeneutic.

By studying the English Civil War, the English Republic, and the subsequent period, including the Restoration and the Glorious Revolution, these two object lessons become evident, even though their lessons are best understood as pre-

1 A sample of the ample evidence of this: Snobelen, Stephen D., "To Discourse of God: Isaac Newton's Heterodox Theology and His Natural Philosophy", Chapter 3 of **Science and Dissent in England, 1688-1945**, ed. Paul B. Wood. Aldershot, Hampshire: Ashgate, 2004, pp. 39-65. — URL: https://isaacnewtonstheology.files.wordpress.com/2013/06/newtons-heterodox-theology-and-his-natural-philosophy.pdf, retrieved 22 September 2017.

existing in the Bible: (i)God's people should not attempt to impose a theocracy on people over whom they do not have lawful jurisdiction, because it violates jurisdictional principles that exist implicitly in the global covenant. There must be valid jurisdictional grounds for such an imposition. (ii)Natural philosophy ("science") is extremely important (a)because it produces insights into the human condition that are valuable in understanding the human condition from a biblical perspective, and (b)because it generates knowledge necessary to the production of products, goods and services that benefit mankind in general. But it's crucial for Christians to check the construction of natural theology constantly to make sure that it conforms to special revelation and Bible-based theology. — Both of these object lessons should be understood from a hermeneutical perspective: (i)The lack of understanding of the global covenant facilitated the English Republic's theocratic tendencies. (ii)Newton's lack of understanding of the global covenant combined with his lack of understanding of the tripartite nature of human beings and natural law facilitated his heresy.[1] The needed understanding of the global covenant and jurisdictions arises via this extension of the Reformed hermeneutic.

There is one more important object lesson that's grounded in the 16th and 17th centuries, and it should be excavated before moving the focus of the timeline forward. Like the first two object lessons, this third object lesson exists in Scripture, but is only evident by using the proper hermeneutics. This third object lesson is a little more obscure than the other two, and will require a little more effort to root out.

In the 21st century, there is a strong and widespread bias against Reformed theology in the *united States* and western European societies in general. There's no doubt that the Puritan attempt at theocracy has contributed enormously to this bias, but this bias has roots in other places as well. For example, the belief that science offers an alternative to biblical Christianity is at least partially responsible for the practical atheism that saturates these cultures, and thereby snubs Reformed theology without even knowing or caring that it exists. A third source of this bias comes from conformity pressures suffered by entire populations, where these conformity pressures arise by way of treaties. This claim that treaty-based conformity pressures are one of the causes of this widespread bias against Reformed theology, demands a more protracted explanation, where the explanation relates to this booklet's hermeneutical theme. Such an explication of treaty-based conformity pressures doesn't come immediately out of examining treaties. It comes out of understanding the hermeneutics that have contributed to the formation of the treaties. To understand how conformity

1 For more about these tripartite attributes, see Porter, **Theodicy**, Part I, "Science & Bible". — URL: http://BasicJurisdictionalPrinciples.net.

pressures arose out of the Westphalian Peace, and likewise out of treaties in general, it should help to review the hermeneutics used during the Reformation. That's because the hermeneutics of the Reformation era were implicitly instrumental in the development of the Westphalian treaties. This examination will show that treaties in general, including the Westphalian treaties, tend to create conformity pressures that tend to modify a population's domestic behavior. By offering evidence of a causal linkage between hermeneutics and treaties, and between treaties and a domestic population's modified behavior, it should become clear that conformity pressures from treaties are one of at least three syndromes that have driven Reformed theology into ill-repute. — Knowledge of these three syndromes gives rise to three object lessons, and the object lessons are strongly related to hermeneutics. These object lessons should provide a solid background for moving the focus of the Tower-of-Babel encampment's jurisdictional timeline forward from the 17th century. The third syndrome / object lesson is more difficult to dig out. The following eight points should help in this rooting process. These three syndromes / object lessons are by no means the only factors that have driven Reformed theology into ill repute. But they are important to understand in this international arena.

(1) Sola Scriptura vs. Scripture Plus [fill in the blank] (strict vs. loose)

Although *sola fide*, "faith alone", has generally been regarded as the "material cause" of the 16th-century Reformation, *sola Scriptura*, "Scripture alone", has been regarded as the "formal cause".[1] There was a disagreement between the Reformers and the Roman Catholic Church on the authority of Scripture. Luther, the RCC, and Christendom in general all agreed that God's Word was the "ultimate authority" in the adjudication of "competing truth claims". But the two camps had differing opinions about how to answer the question, "Where do we go to get God's Word?" For example, if there are conflicting beliefs among Christians about the origin of the universe, and some people believe in the "Big Bang" while others believe in the Bible's account of creation, which should be the ultimate authority within the Church? To a question like this, Luther and company would have answered that the Bible, and the Bible alone, is the ultimate source of God's Word, and therefore the ultimate authority in the Church, and in the Christian's life. Quoting an article

1 A popular proposition from Aristotelian philosophy holds that there are four causes, four rudimentary kinds of answer, to any question that starts with "Why". In this case, the "material cause" pertains to the material that constituted the Reformation: Are people saved by faith alone, or by faith combined with some other stuff? The "formal cause" pertains to the form or shape that the material takes, in the case of the Reformation, Scripture.

in **Tabletalk Magazine** by Dr. Michael Kruger, it's evident that although the RCC agreed that

> God's Word was the ultimate standard for all of life and doctrine, they believed this Word could be found in places outside the Scriptures. Rome claimed a trifold authority structure, which included Scripture, tradition, and the Magisterium. The key component in this trifold authority was the Magisterium itself, which is the authoritative teaching office of the Roman Catholic Church, manifested primarily in the pope.[1]

So this difference of opinion about where to find God's Word was the "formal cause" of the Reformation. The Magisterial Reformation claimed that God's Word, the ultimate authority, was to be found in Scripture alone, while the RCC claimed that it was to be found in Scripture, but also in RCC tradition and its Magisterium. This difference of opinion continues to exist between Reformed Christians and the RCC up to the present day.

> [T]he Reformers stood their ground. While acknowledging that God had delivered His Word to His people in a variety of ways before Christ (Heb. 1:1), they argued that we should no longer expect ongoing revelation now that God has spoken finally in His Son (v. 2).[2]

The claim that Christians "should no longer expect ongoing revelation now that God has spoken finally in His Son" implies that the biblical canon is closed. The claim that "God has spoken finally" is necessary to the claim that the canon is closed. On the other hand, if the canon is still open, then what's to keep the Magisterium of the RCC from inserting papal edicts into the Bible as though the pope were one of the twelve Apostles? To avoid that kind of preposterous action, it really is absolutely necessary that Christians "should no longer expect ongoing [Scripture-quality] revelation", and should accept that the canon is closed. On the other hand, the Apostle Paul himself indicates that Christians in general should expect revelation from God (1 Corinthians 12-14) that happens not to be Scripture quality. Such ongoing revelation is not Scripture quality, not because there's anything wrong with God's transmission of revelation, but because there's a shortage of discernment on the human side, so much so that such revelation doesn't qualify as Scripture. It's too tainted with the inadequacies of human perception and communication. Such

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1 Kruger, Michael, "Understanding Sola Scriptura", **Tabletalk Magazine**, November 2012, Ligonier Ministries, Orlando, Florida. — URL: http://www.ligonier.org/blog/understanding-sola-scriptura/, retrieved 26 September 2017.

2 Kruger, Michael, "Understanding Sola Scriptura". — URL: http://www.ligonier.org/blog/understanding-sola-scriptura/, retrieved 26 September 2017.

non-Scripture-quality revelation is a necessary aspect of the "gifts of the Spirit" available to all Christians. Given that this cessationism vs. continuationism debate has already been sufficiently addressed above, the core issue in this context is not whether revelation continues or not, and if so, to what extent. The core issue is how to uphold the Bible as ultimate authority in the face of extravagant assaults on its authority over numerous centuries, starting with the RCC's assault during the Reformation.

Although most American Christians may not have much regard for RCC traditions or their Magisterium, they are pummeled daily by other competing claims to authority. People are pummeled by propaganda from Christ-hating worldviews every day. Such propaganda obviously demands almost constant decision-making about whether to accept these competing authorities, and if so, how much. Like the saying goes, "There's a war on for your mind." And as a matter of fact, that war is going on to some extent within everyone's mind. The fact that wars and riots accompanied the Reformation is evidence that the people of that era were suffering similar conflicts. How does one process all the information? What is the ultimate authority in one's decision-making? For the intellectually timid, it's easiest to follow someone else who has obvious convictions. But if the leaders are wrong, then it might have been better to do the difficult headwork than to suffer following someone down the wrong road. — At the Diet of Worms (1521), when invited to recant his teachings or suffer the consequences, Luther said, "[M]y conscience is captive to the Word of God. I cannot retract anything, since it is neither safe nor right to go against conscience." For a man like Luther, there's obviously a strong connection between conscience and Scripture. The Bible doesn't replace conscience. It hones conscience. This may justify some people's claim that for their own personal decision-making, their personal conscience is the ultimate authority. But for the Bible-believing Christian, the greatest surety in decision-making comes in agreement between personal conscience and the Bible.

In 21st-century America, with the plethora of other authority claims, people are likely to claim reason and logic (rationalism), sense experience (empiricism), or a "subjective sense of things" (conscience) as alternative ultimate authorities in their personal decision-making. But there should be no doubt that within the Church, God's Word, and only God's Word, is the ultimate authority, and the Bible, and only the Bible, has the ultimate say about what God's Word is. Extra-biblical data, facts, fact claims, reasonings, observations, experiences, *etc.*, all have their places in the Christian's life, and in the Church's life. In the same way that Paul teaches Christians to "take every thought captive to obey Christ" (2 Corinthians 10:5), all ideological systems, political systems, legal systems, metaphysical systems, *etc.*,

need to be massaged until the rational inconsistency between such systems and the Bible evaporates, or until such systems prove themselves to be unworthy of further consideration. This need for rational consistency means that hermeneutical systems must also be correct. The hermeneutics of the RCC were obviously deficient during the Reformation, and they continue to be deficient into the 21st century.

The difference between Reformed hermeneutics and RCC hermeneutics is that the former is strict, focusing on the Bible alone as the ultimate repository of God's Word, while the latter is loose, allowing extra-biblical fact claims, reasonings, experiences, *etc.*, to have equal or superior weight relative to Scripture. These radical conflicts between parties adhering to strict hermeneutics versus parties adhering to loose hermeneutics have marked Western Civilization deeply, starting in 1517 and continuing into all the European wars of religion from 1524 through 1648 (or 1651).[1] At the core of these religious wars was this question, whether the strict interpretational policies were correct, or the loose interpretational policies were correct. A big problem has been that without the proper interpretation of Romans 13 passages, neither the strict nor the loose was correct in regard to law and government. The strict side was certainly correct in regard to soteriology, and most other fields of theology. Certainly in the realm of knowledge of human law and government, no one should expect perfection. So in this realm of human law and government, the question becomes, if nobody's right because everybody's wrong, which side is closest to being correct? Which is closest to the core truth, and the furthest away from jurisdictional dysfunction?

Bible believers inherently face a dilemma. Should they interpret Romans 13 passages through face-value interpretational policies, or should they interpret those passages via the analogy of faith, which holds that the Bible interprets itself? If people cannot find a way to interpret Romans 13 passages via the analogy of faith, then they must necessarily retreat into admitting that the Bible doesn't exist in a vacuum, and that it exists in a feedback loop with everything that's extra-biblical. That means that if they cannot figure out how to interpret these passages through the analogy of faith, then they must automatically retreat into the face-value interpretation. The extra-biblical world supplies definitions of the words and phrases in the Romans 13 passages, and they are necessary to an even rudimentary understanding of the passages if one doesn't find definitions supplied by some other part of the Bible. Words and phrases like "governing authority", "rulers", and "ministers of God", demand definition. The Bible is inevitably in a feedback loop with the extra-biblical world, by way of the fact that it is written in a language that's based in the

1 Some historians mark the end of the European wars of religion at the Peace of Westphalia in 1648, some at the end of the English Civil War in 1651, some even later.

reader's extra-biblical culture. So if definitions of these words and phrases don't arise readily out of Scripture, then the reader naturally resorts to definitions that exist in the reader's vernacular. One thereby comes to the conclusion that whenever Bible-believing Christians get in charge of the government, a theocracy, like the one the Puritans tried to build in England, is the way to go. On the other hand, this feedback loop between the Bible and the extra-biblical doesn't go away when one discovers the proper way to interpret Romans 13 passages. Instead, this analogy-of-faith-based interpretation of Romans 13 passages is seen to be undeniably embedded in the "ultimate authority". For the Bible-believing Christian, the Bible is always the ultimate authority even though it's always embedded in extra-biblical reality. — The Reformed hermeneutic is strict, and combined with this extension for Romans 13 passages, it's even more strict. This contrast between strict and loose hermeneutics accompanied the Reformation forward from the 16th into the 17th centuries, just as it accompanies the Bible-believing Church up to the present day.

(2) Arminius & Grotius Were Loose (strict vs. loose)

Luther's writings indicate that he had legitimate concerns about the potential for his works to ignite a civil war. This kind of concern would normally sway practically anyone into tempering his/her teachings. Although most Reformed theologians claim Luther as one of their own, some of them see hints that he did, indeed, dilute his writings slightly. This concern about war and rapine may explain his propensity to overlook the non-Reformed nature of some of his epigone's theology. While Luther was a certified monergist, the evidence piles high by now to prove that Melancthon was a synergist. Melancthon's example had a detrimental impact on at least some of Calvin's students, most notably Jacobus Arminius.

Arminius was born during the Eighty Years' War (1568-1648), and some of his close relatives, including his mother, were fatalities of that war, leaving him an orphan while young. Given that the theologies of Luther and Melancthon were negatively impacted by concerns about war, it's no surprise that Arminius' theology might be similarly impacted. By softening his Calvinistic theology, Arminius was shifting his interpretational policies from a strict Calvinistic hermeneutic towards a loose Roman Catholic hermeneutic. This set an example for his follower, Hugo Grotius, and made it easier for Grotius to produce legal literature that followed hermeneutical principles like those of Erasmus. Grotius followed the piecemeal repudiation of Reformed strictness. So regarding the relationship between the Synod of Dort and the Peace of Westphalia, the Synod of Dort was strict, while the Peace of Westphalia was Grotian, and therefore Arminian, and therefore loose. Even though Arminian theology lost at the Synod of Dort, it won at the Westphalian treaty negotiations by way of the notorious exponent that it had in Hugo Grotius.

This may not be obvious because these Westphalian treaties said nothing about soteriology. But the fact that Arminianism won via the Westphalian Peace is inferable from the fact that starting largely in the first half of the 19th century, exponents of Arminianism, semi-Pelagianism, and synergistic theologies have vastly outnumbered practitioners of Reformed theology in American Christendom. This fact relates not only to the two syndromes described above, but also to a third that's connected more directly to Westphalia. The claim that Arminianism won via Westphalia is confirmed by examining how *international laws*, meaning treaties, impact domestic opinion making. That claim will be examined shortly. The point here is that strict interpretation won at the Synod of Dort, while it lost at Westphalia, but the war between strict interpretation and loose interpretation continued after Westphalia, even though it continued in a submerged state whenever overt war went into hiatus.

(3) From the English Civil War to the Constitution (strict vs. loose)

The impact of these two interpretational policies on 17th-century English society was obviously huge, as the above cursory description of that era indicates. The Puritan, strict side was still committed to the rudimentary Reformed hermeneutic, without sufficient interpretation of Romans 13 passages by way of the analogy of faith. On the other hand, the loose interpretational policies of the Cavaliers were not significantly different from the Reformation-era RCC interpretational policies. The Anglican High Church didn't have the Magisterium or the pope, but it did have many RCC traditions, and it certainly did not contend that the Bible is the sole ultimate authority on what God's Word is. So the conflict between strict and loose was as contentious in the English Civil War as it had been in the other European wars of religion.

Historians generally agree that after the demise of Puritanism, England sank into a notorious period of moral decadence. At the beginning of the 18th century, drunkenness, gambling, and prostitution were rampant. The infant mortality rate in workhouses was close to 100 percent. Deism was common. William Blackstone is reputed to have visited the church of practically every clergyman in London, and to have said that he "did not hear a single discourse which had more Christianity in it than the writings of Cicero". — This kind of environment was the mission field of John Wesley and George Whitefield, who are regarded by many as the founders of the modern evangelical movement. Whitefield was a staunch Calvinist, and worked closely with Jonathan Edwards in the "Great Awakening" in the American colonies in the mid-18th century. In contrast to this, Wesley became an Arminian. So there was this split between strict and loose hermeneutics built into the evangelical movement. Although Wesley is reputed to have been a great administrator, and thereby a capable builder of a lasting denomination, his influence on the American

Great Awakening was not as great as that of Whitefield and Edwards. The latter two did not build a denomination, but they did have a lasting impact on colonial culture. As Calvinists, they helped to revive the aspirations of the Puritans in the New World, and to lay the cultural foundations for the American War for Independence. Although there were certainly other intellectual influences on the framing of the Declaration of Independence and the Constitution, these two men and their faithful followers encouraged the framers, and most of the colonial cultures, to retain a high view of Scripture in their framing.

Second to the Bible in outside influences on this framing process was John Locke's **Second Treatise on Civil Government**. Although Locke was the son of Puritans, and studied at Oxford during the Commonwealth, when Puritan theologian John Owen was vice-chancellor, he was also a close friend of Isaac Newton and probably shared some of the latter's heterodox theology. Nevertheless, he positively influenced Thomas Jefferson's emphasis on natural rights in the latter's writing of the Declaration of Independence.

The outcome of all these providential circumstances is that the core principle of the founding era is that every human being inherently has natural rights as a crucial aspect of the natural law. This also happens to be the core principle of the Bible-based natural-rights polity and the *metaconstitution*. Because the above Genesis 9:6 encampment focused extensively on the relationships between **exegesis** of that verse, the Declaration of Independence, the Constitution, and the common law, there's no need to focus on it again as the focus on the timeline moves forward. Any genuinely systematic examination of the organic documents, in the light of that verse, leads to the conclusion that every human inherently has natural rights. Even though this is true, there were still loose versus strict opinions that went into the framing of the organic documents. This meant that those documents did not adequately depict the natural-rights polity, even though they certainly did depict it. There would also later be strict constitutional hermeneutics, versus loose, for interpreting those documents.

(4) Two Constitutional Hermeneutics (strict construction vs. loose construction)

After the ratification of the Bill of Rights, two schools of constitutional construction developed within the founding generation, one being dedicated to strictly construing the Constitution, and the other being dedicated to what can be called "loose construction". The leader of the strict constructionists was Thomas Jefferson, and the leader of the loose constructionists was Alexander Hamilton. Neither of these schools of constitutional interpretation was consistent with the *metaconstitution*, but for different reasons. So immediately after the founding era,

the American system was essentially set afloat on an uncharted sea with these two schools of mis-interpretation to guide the way.

The emphasis of the Jeffersonian school was on strictly construing the Constitution, with an emphasis on the 9th and 10th Amendments, with their emphases on "rights … retained by the people" and "powers … reserved to the States … or to the people", respectively. — The emphasis of the Hamiltonian school was on what are now called "penumbras". A penumbra is a "partial shadow, as in an eclipse, between regions of complete shadow and complete illumination."[1] Penumbra in constitutional law essentially refers to implied powers and implied rights, but in this context, the emphasis is especially on implied powers of the general government. The difference between these two approaches to interpreting the Constitution is best seen by way of a dispute Hamilton and Jefferson had during George Washington's first term as president.

As Secretary of the Treasury, Hamilton attempted to push a bill founding the First Bank of the United States through Congress.[2] Secretary of State Thomas Jefferson, Congressman James Madison, and Attorney General Edmund Randolph responded to Hamilton's bill with strenuous objections. Being undecided, Washington asked them to explain their respective views. Hamilton wrote a letter defending his belief in the constitutionality of the bank, and Jefferson wrote another letter explaining why the bank was illegal. In his letter to Washington, Jefferson indicated, among other things, that "establishing the National Bank" would violate "laws of Mortmain", "laws of Alienage", "laws of Forfeiture and Escheat", "laws of Distribution", and "laws of Monopoly". In short, he said the following:

> I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." … To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.[3]

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1 **American Heritage Dictionary of the English Language, Fifth Edition**. (2011). — URL: http://www.thefreedictionary.com/penumbra, retrieved 29 September 2017.

2 Actually, it was the second central bank, because the Confederation Congress had chartered a central bank, the Bank of North America, in 1781.

3 Yale Law School's Avalon Project, "Jefferson's Opinion on the Constitutionality of a National Bank: 1791". — URL: http://avalon.law.yale.edu/18th_century/bank-tj.asp, retrieved 4 October 2017.

Although this commitment certainly uses the 10th Amendment to attempt to establish a blockade against Babel-like centralization of powers, the weakness in the Jeffersonian school has been that it did not build a strong bridge between the "unalienable rights" doctrine of the Declaration, and the subsequent Constitution. Jefferson certainly used common-law arguments in his letter to Washington, but his failure to resort to more fundamental reasoning may be related to the fact that Jefferson and many of his followers were slave owners. It would have been too obviously hypocritical for him to emphasize natural rights in law and politics, on one hand, and to continue owning slaves, on the other. So for this and probably other reasons, Jefferson and his followers shifted the emphasis from natural rights to States' rights. Because States, like the general government, are lawfully *secular social compacts* that should not enforce *municipal* laws, and are unlawfully *religious social compacts* that DO enforce *municipal* laws, defense of States' rights is essentially the defense of jurisdictionally dysfunctional entities that are unlawfully exercising powers. This is why the Jeffersonian school's supposedly strict constitutional hermeneutic failed to generate conformity to the *metaconstitution*. Even so, the strict-constructionist constitutional hermeneutic did operate to inhibit the ***national consolidation***, the centralization of power, during the early years of the republic.

In addition to being a slave owner, Jefferson was also an avowed deist, and therefore lacked the theological foundation for defending the natural-rights polity. In contrast, Hamilton was a slavery abolitionist and at minimum, a nominal Christian. But Hamilton clearly had no grasp of the natural-rights polity, and therefore none of the *metaconstitution*. — Hamilton wrote a letter to Washington that is now seen by legal scholars as the classic defense of constitutional implied powers. Although constitutional implied powers are still referred to as "implied powers" by the 21st-century legal community, legal scholars and jurists often prefer to call them "penumbras". In constitutional law,

> The implied powers of the federal government predicated on the Necessary and Proper Clause of the U.S. Const., Art. I, Sec. 8(18), permits one implied power to be engrafted on another implied power.[1]

This is often called the "penumbra doctrine". But in the early days of the American republic, it was usually merely called "implied powers". Use of the term "penumbra" to refer to implied powers doesn't appear in legal literature until well into the second half of the 19th century.

1 **Black's 5th**, p. 1022.

Hamilton's letter to Washington is lengthy, as letters go, but the following quote should suffice to prove that Hamilton's hermeneutic is loose constitutional construction:

> Now it appears to the Secretary of the Treasury that this general principle is inherent in the very definition of government, and essential to every step of the progress to be made by that of the United States, namely: That every power vested in a government is in its nature sovereign, and includes, by force of the term, a right to employ all the means requisite and fairly applicable to the ends of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the essential ends of political society.[1]

This is essentially an argument for statism, and the letter as a whole is a description of nation-state sovereignty reminiscent of Grotius'. Even though much of what Hamilton wrote in the **Federalist Papers** was foundational to the construction of the *united States*, it's important to remember that Hamilton was also the only delegate to the Constitutional Convention of 1787 who proposed the adoption of a ***consolidated national government***, essentially a monarchy.[2] If his plan at the Convention had been adopted, it would have meant the complete repudiation of the natural-rights polity. The fact that his plan, with regard to the national bank, was passed by Congress, signed by Washington, and established with a 20-year charter, shows that a more piecemeal approach to ***national consolidation***, Babel building, would be the statist strategy, rather than an immediate return to monarchy.

Until the War Between the States, strict construction dominated in politics, even though loose construction dominated at the supreme Court for as long as John Marshall was Chief Justice (1801-1835). There were serious legal and political battles between these two sides during the seventy years between the adoption of the first

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1 Yale Law School's Avalon Project, "Hamilton's Opinion as to the Constitutionality of the Bank of the United States: 1791". — URL: http://avalon.law.yale.edu/18th-century/bank-ah.asp, retrieved 3 October 2017.

2 Regarding Alexander Hamilton's plan proposed at the Convention on June 18, 1787, see **The Anti-Federalist Papers and the Constitutional Convention Debates**, ed. Ralph Ketcham, 1986, Mentor, 375 Hudson St.; New York, New York 10014, USA, pp. 70-79, "Plan for National Government (June 18)". — Also see these records of Hamilton's plan at the Library of Congress' website: 5 **Elliot's Debates** 198-205 (Madison's Notes, June 18, 1787), 1 **Ferrand's Records** 282-293 (Madison's Notes, June 18, 1787), 1 **Elliot's Debates** 417-423 (Yates' Minutes, June 18, 1787), and 1 **Ferrand's Records** 294-301 (Yates' Minutes, June 18, 1787). — URL: http://memory.loc.gov/ammem/amlaw/lawhome.html, retrieved 3 October 2017.

bank in 1791 and the start of the War Between the States in 1861. But what's critical here is that neither strict construction nor loose construction arise rationally out of reliable biblical hermeneutics. Strict construction dominated the culture until the War Between the States, in spite of the constant friction between the two sides, the industrial, non-slave, Hamiltonian North, and the agrarian, slave-owning, Jeffersonian South. Since the end of that war, the Hamiltonian loose constructionists have by far been the more dominant of the two schools. The Jeffersonian side defended States' rights, as though the States were the fundamental source of sovereignty. The Hamiltonian side defended the migration of *municipal* laws into the subject-matter jurisdiction of the general government. The most obvious example of how Hamilton did this was his being the primary governmental promoter of the central bank, as though it were a local monopoly, like a city's water supply company. By defending States' rights, Jefferson was implicitly advocating the continuation of slavery. This is an obvious violation of the "unalienable rights" principle he had written into the Declaration. In fact, jurisprudential sovereignty can only be lawfully built by way of the genuine consent of miniature sovereigns. Because States are now, and were then, at best, jurisdictionally dysfunctional *secular social compacts* that had no lawful power to enforce slavery, or to enforce any kind of *municipal* law, Jefferson's strict constructionism generated jurisdictional dysfunction, and so did Hamilton's loose constructionism. On the other hand, Jefferson was more in favor of keeping *municipal* laws local than Hamilton was. Hamilton's abolitionism was like lipstick on a pig. His belief that migrating *municipal* laws into the arena of the general government was absolutely evil, because it moved such powers away from local control, and towards control by an elite group that cared more about money and power than about whether or not the locals consented. In regard to practically every subject he encountered, Hamilton favored empowering the general government at the expense of the States. This obviously tends to make the general government as much a jurisdictionally dysfunctional *secular social compact* as the States. In fact, this Hamiltonian breed of sovereignty is nothing more than a replication of the Grotian breed of sovereignty. The process of migrating *municipal* laws into grander and more all-encompassing jurisdictions is Babel-building on steroids, which is a plague in the 21st century. Hamilton's abolitionism is a crumb the sovereign allowed to fall from his table, for the sake of placating the plebs. Hamilton's entire political life was dedicated to rebuilding the English monarchial system in America, including the slavery abolitionism of Wilberforce, which was merely lipstick on the English pig.

When the North won the War Between the States, the victors immediately started piling implied powers on top of implied powers. Probably to disguise this fact, and to hide their Babel building with vernacular aimed at obscuring and protecting the gargantuan edifice they were building, legal scholars and jurists started calling

implied powers "penumbras". They also started emphasizing the rights implicit within the Bill of Rights, referring to them as "penumbras", and extending them into the States via the "incorporation doctrine". The incorporation doctrine is essentially the principles and processes by which the American judiciary has applied most of the Bill of Rights to the States.[1] This extension of the Bill of Rights into the States has generally been good, the same way slavery abolition has been good, because both have encouraged States to behave more like the *secular social compacts* they inherently are. But this little bit of good, in the case of the incorporation doctrine, has been vastly overshadowed by the gradual but megalomaniacal movement towards Babel-like ***national consolidation***. In the final analysis, this incorporation of the Bill of Rights into the States is also essentially lipstick on a pig.

It's critical to emphasize that neither the strict constructionists nor the loose constructionists, nor anyone else, bothered to systematically develop theories of law and government based on the natural rights principles embedded in the Declaration of Independence. If this had been done, perhaps slavery would have been abolished, the War Between the States would have never happened, and many of the tragic disasters that have afflicted the American enterprise would have been avoided. But the will to do that kind of headwork was missing, from the beginning. The natural-rights polity's *metaconstitution* is vastly better than both strict construction and loose construction. It's also vastly better than the legal positivism that now dominates the American legal landscape. The *metaconstitution* needs to be taken as the extraordinary opportunity that the Puritans missed when they tried to establish a theocracy during the Commonwealth, that the American framers missed in their framing, and that practically all Americans have missed in their Bible-less interpretations of their organic documents.

The period from 1791 to 1861 was also marked by a good deal of religious innovation. Each of the States moved towards incorporating the religion clauses of the 1st Amendment into their State jurisdictions, thereby making each State fundamentally dedicated to being a *secular social compact*, though with ample jurisdictional dysfunction. This period also saw what's now called the Second Great Awakening. Unlike the First Great Awakening in America, the second had practically no Calvinistic inclinations. Wesley's followers, Methodist circuit riders, were busy preaching Arminian theology far and wide. Charles Finney was busy preaching his special breed of Pelagianism. Baptist congregations were being persuaded to abandon Calvinistic soteriology in favor of Arminian soteriology.

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1 See Porter, **Theological Inventory of American Jurisprudence**, "Introduction to the Bill of Rights". — URL: http://www.BasicJurisdictionalPrinciples.net/0_TIAJ/0_6_Bill_of_Rights.htm, retrieved 3 October 2017.

This period also sponsored the birth of Mormonism, Seventh-Day Adventism, and numerous quasi-Christian sects. In short, Christianity was being spread three thousand miles wide and an inch deep across the continental *united States*. This trend towards anti-Calvinistic breeds of Christianity laid the groundwork for the dominance of dispensationalism in the late 19th and early 20th centuries. In short, the Second Great Awakening, with all of its adjoining ramifications, did nothing to promote the Reformed hermeneutic, much less to promote the extension thereof that yields the natural-rights polity and the *metaconstitution*. Because of this shortage of biblical headwork, war would be necessary to resolve conflicts in constitutional construction that should have been grounded in biblical hermeneutics. This was the period in which Reformed hermeneutics became increasingly rare in America, while Arminianism and other loose hermeneutics became dominant.

(5) Loose Construction Won the War Between the States (~~strict vs.~~ loose)

The Northern, Hamiltonian loose constructionists won the War Between the States. Because the Hamiltonian school of loose construction tended to use the slavery-abolition movement to whitewash massive collusion between business and government, it's crucial to understand the economic implications of their victory. — Whenever a group of businessmen get together, they don't generally talk about how much they like competing with one another. On the contrary, they generally talk about their businesses, especially how to improve them and make more money. Such discussions may include talk about joint ventures, or buying, selling, and merging businesses. In other words, it might include talk of business consolidation. On the other hand, if businessmen are in stiff competition, they might be tight-lipped, for fear of sharing proprietary information. Even so, modern business people are generally familiar with "economies of scale", which means that they know that they can often decrease the cost per unit of output by increasing the scale of their operation; and this often means that merging businesses can generate economies of scale. So there are often advantages to the business in mergers and business consolidation. Such business consolidation can often advantage both the business and the consumer. On the other hand, when businesses consolidate to the point that they have practically no competition, they reach the point at which they can raise prices with apparent impunity. In mainstream economics, this is the point at which a "natural monopoly" has developed. On the other hand, genuinely free-market economists dispute the existence of "natural" monopolies. They characterize "natural monopolies" expounded by mainstream economists as a myth.

To unravel this problem from the perspective of the natural-rights polity, it's imperative to recognize the distinction between a supposedly "natural" monopoly and a "franchise monopoly". A natural monopoly supposedly exists naturally,

without any assistance from the government, while a franchise monopoly exists through government franchise. In the words of Austrian economist, Thomas DiLorenzo, "Most so-called public utilities have been granted government franchise monopolies because they are thought to be 'natural monopolies'."[1] So the common but erroneous belief that a business enterprise is a natural monopoly, has been the rationale politicians and businessmen have offered to explain why such an enterprise deserves to receive a governmental franchise. Like Hamilton and his banker buddies, politicians and businessmen have propagated this belief to profit from the gullible. In contrast to this, the school of Austrian Economics has a completely different conception of such government franchise monopolies, as implied in this statement from Murray Rothbard's book, **Power and Market**:

> The very term "public utility" … is an absurd one. *Every* good is useful "to the public," and almost every good … may be considered "necessary." Any designation of a few industries as "public utilities" is completely arbitrary and unjustified.[2]

"Public utilities" are obviously entities that have been granted a governmental franchise. In the natural-rights polity, within lawful *secular* jurisdictions, there are no laws inhibiting consensual free-market competition. But a government franchise clearly creates an impediment to people who want to compete with an existing franchise monopoly. The enfranchisement process creates such an impediment. So within the lawful jurisdiction of a lawful *secular social compact*, the enfranchisement process is unlawful collusion between the state and one or more non-state entities. "Public utilities" are the most obvious recipients of such state favoritism. What lays the foundation for this statist myth is the belief that whenever a natural monopoly comes into existence, competition somehow evaporates. But this belief that competition naturally evaporates when a natural monopoly comes into existence is really based on the conflation of natural monopoly and franchise monopoly.

> If competition is viewed as a dynamic, rivalrous process of entrepreneurship, then the fact that a single producer happens to have the lowest costs *at any one point in time* is of little or no consequence. The enduring forces of competition – including

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1 Thomas DiLorenzo, "The Myth of Natural Monopoly", **The Review of Austrian Economics**, Vol. 9, No. 2 (1996): 43-58; Ludwig von Mises Institute, Auburn, Alabama, p. 43. — URL: https://mises.org/system/tdf/rae9_2_3_3.pdf?file=1&type=document, retrieved 25 October 2017.

2 Murray N. Rothbard, **Power and Market: Government and the Economy**, 4th ed., 2006, Ludwig von Mises Institute, Auburn, Alabama, p. 93. — URL: https://mises.org/system/tdf/Power and Market Government and the Economy_2.pdf?file=1&type=document, retrieved 25 October 2017.

> potential competition – will render free-market monopoly an impossibility.[1]

In other words, enduring forces of competition will render natural monopoly an impossibility. In contrast to this, forces of competition against a franchise monopoly can continue to exist only in a "black market", where competitors are hunted down by government agents and subjected to bloody armed reprisals. So within genuinely *secular* jurisdictions, there can be no natural monopolies because natural monopolies are a myth; and there can be no franchise monopolies because franchise monopolies are illegal within such a jurisdiction.

This cursory examination of business consolidation and monopoly is relevant to this process of moving the focus of the timeline forward by way of the fact that loose constitutional construction exists to profit sovereign-affiliated people at the expense of people who have no extraordinary affiliation with the sovereign. In other words, in keeping with Hamilton's defense of the creation of a banking syndicate, loose construction facilitates collusion between what modern elites call the "governing class", and money and business interests who would rather have a franchise monopoly than actually have to compete. It's critical to understand that these collusion enthusiasts are the faction that won the War Between the States. Ordinary men who fought on the side of the North didn't win the war. These people who promoted loose construction for the sake of colluding with government won the war. This is not merely a negligible "conspiracy theory". It's a fact that birds of a feather flock together, and it's a fact that people committed to Babel building naturally seek each other out, and it's a fact that the Hamiltonian faction won the War Between the States. — It's important to note in passing that government franchises are not the only kind of intervention in the otherwise free market that such market interventionists typically deploy. Others described in detail by Rothbard in his **Power and Market** include price controls, licenses, quality standards, safety precautions, tariffs, child labor laws, conscription, subsidies to employment, subsidies to unemployment, conservation, antitrust laws, patents, public utilities, eminent domain, wage taxes, corporate taxes, capital gains taxes, property taxes, progressive taxes, and many, many more kinds of intervention. Most of these cases of government intervention in the free market are not explicitly franchise monopolies that benefit "public utilities". But all such interventions warp the market and suck freedom out of it. Rothbard categorizes all these various forms of intervention in the economy into three types: autistic, binary, and triangular. All of these forms of intervention in the economy by the state violate the jurisdictional limitations that inherently exist within *secular social compacts*.

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1 DiLorenzo, p. 44.

When a government, like the one proposed by Hamilton, is open to having ongoing collusion between government and business, as American central banks have clearly manifested, then all these various forms of jurisdictionally dysfunctional interventions in the economy are promoted. Under such circumstances, the forces of ***national consolidation*** that are built into this failure to distinguish and segregate the respective jurisdictions of *religious social compacts* and *secular social compacts*, push themselves into the economy, and tend to consolidate and stultify the markets by inhibiting competition and creativity. The problem with this is not only that competitors suffer, but that consumers and bystanders also suffer. The only people who don't suffer are the fat cats that are busy milking this system. — Humans are prone to prefer following one another over following the natural law. Humans are prone to being agreeable with one another, even at the expense of the truth, rather than to demand the truth even if it means being disagreeable. This is as true of robber barons colluding and conniving to monopolize markets as it is of ordinary people. Probably more so. These parties dedicated to Hamiltonian corruption are the parties who won the War Between the States.

If people believe that money is the measure of all things, and they don't care about whatever harm may be caused by such consolidation and interference in the free market, then the society that results is one more in a long line of societies that are bifurcated between a parasitic class that's affiliated with the jurisprudential sovereign, and a host class that's being parasitized. This is what Hamiltonian loose constructionism leads to. The forces of such loose construction are the forces that won the War Between the States. Although the evidence to prove this is now everywhere in the 21st century, because people are practically swimming in such evidence on a daily basis, it may help to look at a single case that practically says outright that Hamilton's forces of ***national consolidation*** won the war:

> "Following the Civil War, the presidentially reconstructed government of Texas brought suit to recover state-owned securities that had been sold by the state's Confederate government. Defendants argued that Texas, which had seceded and had not yet been restored to the Union, was not a state and therefore could not sue in federal courts. Hence the case presented fundamental questions concerning secession, Reconstruction, and the nature of the Union. Asserting that the Constitution created 'an indestructible Union, composed of indestructible States' (p. 725), Chief Justice Salmon P. Chase held that secession was illegal and that Texas had never left the Union. … Chase ruled that the state's Confederate government had been unlawful, that its acts in support of the rebellion were null and void, and that the state was entitled to recover the securities. The

> decision endorsed the Republican position that the Union was perpetual and that Reconstruction was a political problem that lay within the scope of congressional power.".[1] — There's a big problem with believing that the Union is "perpetual" in the sense that no State, once in the Union, is allowed to opt out of it. The problem is that consent is totally ignored. The consent of my grandfather is not the same as MY consent. The fact – according to both the global covenant and the Declaration of Independence – that "Governments are instituted among Men, deriving their just Powers from the consent of the governed", is totally ignored.[2, 3]

By disemboweling States'-rights strict constructionism, the victors essentially disemboweled the concept of "confederate republic". Confederate republic is an expression used in the Federalist Papers by both Madison and Hamilton.[4] In each case it references Montesquieu's The Spirit of Laws. The idea behind Montesquieu's expression is that a large territory can only be governed by an autocracy, a strong centralized government, unless it is governed by "a well conceived association of states" which combines the "benefits of both centralized and diversified government".[5] Even though a federalist for the sake of the Constitution, Madison was more on the side of the strict constructionists than Hamilton. This concept, confederate republic, was the goal of practically all the framers, with the possible exception of Hamilton. It's clear from Hamilton's letter to Washington about the bank, that he intended to pay lip service to concepts like confederate republic while circumventing them with obscurities, aiming all the while at a consolidated national government that would be willing to offer special favors to businessmen and bankers.

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1 Embedded footnote: "**The Oxford Companion to the Supreme Court of the United States**, p. 869, 'Texas v. White', by Donald G. Nieman." — The inner quote's inner quote is of *Texas v. White*, 74 US 700, 725 (1869).

2 Embedded footnote: "It may be true that the Articles of Confederation claimed to define a 'Perpetual Union', but such claim also fails to acknowledge the fact that if people have not given their consent, then the people are not bound by **ecclesiastical compacts** or **social compacts**."

3 Porter, **Theological Inventory of American Jurisprudence**, "Article I § 9". — URL: http://www.BasicJurisdictionalPrinciples.net/0_TIAJ/0_2_2_Art_I_Sec_9.htm, retrieved 25 October 2017.

4 In Hamilton's #6 and #9, and Madison's #43. — URL: https://www.congress.gov/resources/display/content/The+Federalist+Papers, retrieved 5 October 2017.

5 Graham, John Remington; **Principles of Confederacy: The Vision and the Dream & The Fall of the South**, 1990. Northwest Publishing Inc., p. 51.

Long after Hamilton was dead, his loose constructionism not only lived on, but also conquered its enemies in the War Between the States. This is confirmed again by another quote concerning *Texas v. White*:

> After the War Between the States, the axe was laid to the root of the ***confederate republic*** tree in *Texas v. White* (1869). In it Chief Justice "Chase's *Texas v. White* opinion assumed what ought to have been proved, that correct was the abolitionist Republican theory about what happened to seceding states and their financial obligations. Its oft-quoted sonorous sentence – 'The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States' (p. 725) – explains little and strictly speaking is false. *Most* Constitutional provisions 'look' neither to, nor away from, either indestructibility or destructibility.".[1] *Texas v. White* "was the epitaph for the 'compact theory' that so long had been championed by states' rights advocates in the antebellum era."[2, 3]

If southern scholars had spent as much time developing the natural-rights polity and the *metaconstitution* as they did defending States'-rights strict constructionism, the propensity to ***national consolidation*** would not have won. Since it did win, those who have inherited this system are bound to either fix it or allow the Babel-building to continue to its final collapse. — What's most crucial to understand from this quote is that the *social compact* theory of government, which is crucial to the *metaconstitution*, and which is based on covenant theology, was essentially

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1 Embedded footnote: "**The Oxford Companion to the Supreme Court of the United States**, pp. 831-832, 'State Sovereignty and States' Rights', by A. E. Keir Nash." — The inner quote's inner quote is of *Texas v. White*, 74 US 700, 725 (1869).

2 Embedded footnote: "**The Oxford Companion to the Supreme Court of the United States**, p. 282, 'Federalism', by Harry N. Scheiber. — The *compact theory* was championed not only by *State's rights* advocates, but also by the *framers* themselves. In fact, it is a derivative from any rational reading of Scripture [especially those that claim to adhere to 'covenant theology']. Even though slavery exists in the biblical chronology, from the **Abrahamic Covenant** to the end of the New Testament era, it is discouraged and restricted between people who are *party* to the same **social compact**. Since the **Messianic Covenant** [was inaugurated], all who believe that Jesus is the Messiah are implicitly called to acknowledge the **global covenant**, and to thereby refrain from making anyone a slave. The *compact theory* adopted by the slave States failed to recognize this. It was therefore inherently flawed. Even so, the rejection of the ***compact theory of government*** is equivalent to a rejection of Scripture."

3 Porter, **Theological Inventory of American Jurisprudence**, "Amendment X". — URL: http://www.BasicJurisdictionalPrinciples.net/0_TIAJ/0_7_Am_X.htm, retrieved 25 October 2017.

eradicated from legal consideration by the combination of the War Between the States and supreme Court decisions. From that time forward, the system officially ceased being based on consent, and States became administrative provinces of an autocratic central government. From then forward, the central government has merely paid lip service to consent and States' rights for the purpose of placating the plebs. This kind of autocratic, centralized ***consolidated national government*** is precisely the kind of government monopoly-prone businessmen find most helpful in their playing the money game. Practically all the national legislation passed since then has worked, whether intended or not, to assist unscrupulous business people who believe that money is the measure of all things, and to simultaneously drive competitors out of business through the state's economic intervention. Such intervention is simply more of the same collusion between business and government that was built into the system in 1791.

Since the end of the War Between the States, the American system has been gradually metamorphosing, shedding all remnants of strict constructionism, and replacing them with ***national consolidation***. One of the last vestiges to go in this process is the people's beliefs in the founding documents. If the people let them go, then that will essentially be the end of Western Civilization, and Christendom will need to find some other way to proceed.

(6) Loose Construction Has Led to Globalization (~~strict vs.~~ loose)

The Westphalian Peace was an initial and important step towards the return of the human race to the kind of monoglot, socially homogeneous status that existed prior to the Babel division.[1] But the road between Westphalia and that status is long and treacherous, and no amount of group-think will help the process. In fact, the propensity to group-think consolidation has marked every civilization with the stench of death. As vividly indicated by the War Between the States, the American civilization is no exception. — With the strict constructionists defeated, Hamiltonian ***national consolidation*** could proceed unimpeded by practically anyone other than people dedicated to natural rights, who have been few and far between. Collusion between business and government became rampant in the late 19th century. New regulatory agencies started being developed, which amounted to new avenues for collusion between business and government. The more the ***confederate republic***

1 It may be true that this monoglot, socially homogeneous humanity will never exist on earth again, and will exist in the future only within the New Jerusalem. Nevertheless, every consolidation of international power in history can be understood to be an effort in that direction, either in the service of God, or in the service of Satan; but given the "parable of the tares" and other such authority, most likely some combination of the two.

was replaced by ***national consolidation***, the more ***global consolidation*** appeared on the horizon. The history since around the turn of the 19th into the 20th century has been one long, sad tale about the gradual rise of global government, Babel on steroids.

(7) Treaties Create Conformity Pressures (~~strict vs.~~ loose)

The fact that Westphalia followed Grotius in his loose biblical hermeneutics coincides with the bias in favor of non-systematic, loose thinking, and against rigorous and systematic thinking, that has become prevalent in all western cultures since Westphalia. Is this just a coincidence, or is there some causal connection between loose Westphalia and loose cultures generally? If there's a causal connection, then Westphalian treaties, and the preponderance of treaties subsequently appended to the Westphalian system, have been an at least partial cause of this bias by having the bias filter through national governments that are party to the treaties. From personal experience, practically all Reformed Christians know that this bias against strict hermeneutics exists. What are the causes of this severe lack of appreciation for the Bible?

It's beyond the scope of this work to exhaustively identify all of the causes. The fact that the human race exists in a fallen condition is an overarching explanation. The two syndromes / object lessons identified above explain it to some extent. Human laws in general tend to influence people in subtle ways, beside the obvious need to obey or suffer the consequences. If the laws are structured in a haphazard, non-systematic way, then that communicates to the man on the street that haphazard and non-systematic is a standard that's acceptable to the society at large. In fact, human law has practically always been split between those above the law and those not above the law. This is true even in legal systems that posit God-given natural rights alongside an allegedly infallible sovereign. Such bifurcated human-law systems communicate to the man on the street that human law is inherently irrational. As clearly indicated in the Genesis 9:6 encampment, this irrational split certainly exists in the American constitutional system, as that system is interpreted by hermeneutics other than the *metaconstitution*. That irrational split certainly appears in Grotius and Blackstone. — **Blackstone's Commentaries** was the authoritative commentary on the English common law that was adopted by almost all the States. There's no doubt that the split between the "governing class" and the governed class is prominent in the common law. That split also exists in the civil law adopted by Louisiana, and in the civil law commentaries that exist in Grotius' **Law of War and Peace**. But the big difference between Blackstone and Grotius is not merely that one advocated English common law while the other advocated European civil law. As far as Americans are concerned, the big difference between the two is that the laws of Blackstone were

adopted as domestic law, while the laws of Grotius exist in the realm of *international law*. So Blackstone's influence on biblical and constitutional hermeneutics is mostly domestic, and has already been sufficiently examined in the Genesis 9:6 encampment. But Grotius' influence on constitutional hermeneutics is still under examination. Grotius' influence really begins in the *united States* only when the Congress of the Confederation ratified the Treaty of Paris in 1784. That treaty officially ended the War for Independence. Article 1 of that treaty acknowledges that those States united under the Articles of Confederation were free, sovereign, and independent states. — The third syndrome / object lesson relates to this adoption of the *united States* into the pre-existing Westphalian system.

When the *united States* was adopted into the Westphalian system via the Treaty of Paris, the subtle assumptions behind Westphalia and all the subsequent Westphalian treaties were also adopted as part of American law. The split between those above the law and those not above the law was thereby an assumption built into *international law* to which the States had become party. So to the man on the street, both domestic human law and *international* human law were irrational, because they both held that no one is above the law, but the jurisprudential sovereign is above the law. This is a subtle assumption that communicates to the man on the street that not only domestic law, but also *international law*, is structured in a haphazard, non-systematic way. This haphazard, non-systematic, and even irrational characteristic was in the RCC hermeneutic during the Reformation, was propagated by Arminius and Grotius, was built into the Westphalian system, was propagated by Blackstone, was built into the Treaty of Paris (1784), and was built into the American system through both domestic and international legal influences.

This bias in favor of the non-systematic and irrational obviously encompasses a bias against the Reformed hermeneutic, and this extension thereof. This bias has doubtless been effected by numerous causes, the sum of which doubtless includes the two syndromes / object lessons above, as well as this third syndrome / object lesson. This bias in favor of the irrational and non-systematic has grown strong in the 230-plus years since the founding era, forming a bias against Reformed, monergistic soteriology, and against the Reformed hermeneutic through which it manifests itself. As an example of this bias against systematic thinking, consider the famous saying by Ralph Waldo Emerson: "Consistency is the hobgoblin of little minds."[1] Because God is by far the most rationally consistent entity in the universe, from this Emersonian perspective, God's must be the smallest mind of all. So it's

1 In fairness to Emerson, it should be admitted that the full quote is, "A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines." From his 1841 essay, "Self-Reliance". Nevertheless, the part of this sentence

obvious that this bias defames God, and thereby defames Reformed theology, and thereby defames this extension of Reformed theology. It represents a widespread refusal to do the headwork that is necessary to being miniature sovereigns.

This bias against Reformed theology is now prevalent throughout the federal government, federally-funded academia, and practically the entire culture. It's important to emphasize academic institutions because they have almost been universally overtaken by "cultural Marxism", even as they have been assigned the task of spreading the truth to the next generation. This bias is even prevalent in "private" academic institutions that are ostensibly committed to Arminian, semi-Pelagian, or synergistic soteriologies, or that use federally-endorsed and/or UN-endorsed curricula. The bias against systematic thinking may be a different thing from a bias against the Puritans and Calvinists, but because the Reformed hermeneutic is strict, systematic, and aimed at rational consistency, a bias against systematic thinking is inherently a bias against Calvinism. — In some facets of academia, as well as in other presumably reputable sectors of society, the bias against Calvinism exists alongside a nominal commitment to systematic thinking. This is usually a commitment to being systematic for the sake of scientific integrity, while stubbornly maintaining a blind spot, the blind spot being the bigotry against Calvin. This kind of blind spot is prevalent in otherwise rational academic circles. An example of this bias is visible in the work of Carroll Quigley. Quigley was a professor of history of great notoriety at the Foreign Service School of Georgetown University, who was extolled by President Bill Clinton in his first inaugural address. Even though Georgetown is a private school, and is therefore not subject to conformity pressures the way a publicly-funded university would be, it should be helpful to examine Quigley and Georgetown as cases in point to evidence this bias against biblical rigor.

Georgetown is a Jesuit school. The Jesuit order, like Roman Catholicism in general going back to the Council of Trent (1545-1563), certainly repudiates Reformed theology. In fact, Quigley's attitude towards Calvinism is shared by a multi-generational wave of non-Catholics who all implicitly conform to the prejudice against systematic thought. Even though Quigley is a systematic thinker in other respects, he disparages Puritans to an extent and in a way that is reminiscent of the racial bigotry of the southern past. Quigley in effect blames Puritans for both World Wars. He says,

> [T]he great achievements of the nineteenth century and the great crisis of the twentieth century are both related to the Puritan tradition of the seventeenth century. The Puritan point of view

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that's generally remembered by Americans, if they remember it at all, is "Consistency … minds."

> regarded the body and the material world as sinful and dangerous and, as such something which must be sternly controlled by the individual's will.[1]

This is obviously a slur. Blaming the body and the material world for being inherently sinful and therefore evil is a characteristic of Platonic dualism, not Calvinism. Calvin has been getting blamed for non-Calvinists' prejudices, biases, refusals to question extra-biblical beliefs based on clearly biblical doctrines, and much more, for a long time. This defamation of Calvin continues to this day. Puritanism is simply a form of Calvinism. Calvinism is simply the Word of God interpreted and expounded properly, in regard to many subjects. The fact that people disparage it is usually proof that they don't like what God says, so they wriggle and squirm to tear apart the fetters of the natural law. On the other hand, neither the Reformed hermeneutic nor Reformed theology have ever been perfect. They've just been generally better than the alternatives. So the shortcomings of the Calvinistic, Reformed, and Bible-based don't give Quigley or anyone else a license to enter into wholesale smearing of an entire system of thought, which is precisely what he and practically all other humanistic scholars have been doing consistently for at least since the Westphalian Peace was based on Arminian scholarship. Much of the founding generation of the *united States* was far more Calvinistic than Arminian, and it's simply a smear to attribute to such Calvin-friendly people the characteristics Quigley attributes to Puritans. The people of the founding generation were not generally believers in Platonic dualism, and neither were the Puritans. Quigley characterizes Puritanism and Jansenism as being "basically pessimistic, inhibiting, masochistic, and self-disciplining ideologies".[2] Quigley's claim is repudiated by the facts. As manifestations of Calvinistic thinking, Puritanism and Jansenism are not basically pessimistic, inhibiting, or masochistic, although they certainly promoted Christian discipleship and Bible-based self-discipline. Calvinism also doesn't inhibit surgery, science, technology, improvements in food production or consumer goods, or "the plethora of so-called labor-saving devices", which Quigley claims it does. This is simply another slur taken from an entire culture dedicated to slurring Reformed theology. And this culture is built with help from the influence of *international law*.

Such negative opinions, from an otherwise rational and esteemed professor writing in the 60s, are now the majority opinion in American academia. This is explicit bigotry against Calvinism and Puritanism. But in these 21st-century days when "cultural Marxism" has essentially taken long-standing control of

1 Quigley, p. 833.

2 Quigley, p. 832.

the universities, this bigotry is pervasive in American academia, and in Western academia in general. But unlike largely systematic thinkers like Quigley, the bias in 21st-century academia is not only against Calvinism and Puritanism, but it's also against Christianity in general, and against rational and systematic thinking in general. Among the many causes of this widespread bias are certainly the Puritan theocracy and scientism. This collection of causes must also include the irrational bifurcation within the law between sovereigns and subjects. But in the Genesis 9:6 encampment, the irrational bifurcation of "domestic" law has already been treated. So this examination will focus on the constitutional role of treaties as a source of such bias.

It's well known that people who work within institutions are prone to deliberately conform to the views and wishes of whoever pays them, or whoever has any other kind of power over them. This tendency to conform even extends to top government officials who are under the power and authority of people who execute the terms of international treaties. When presidents and administrative bureaucrats thus kowtow to treaties, they thereby influence people over whom they have authority. These bosses influence their underlings to kowtow in the same way. Thus a culture is built throughout this power hierarchy that is based on such conformity to bosses, bosses' bosses, *etc*., where the law to which the hierarchy conforms is based in treaties. In this way, the federal government is certainly and obviously subject to conformity pressures from treaties. This is especially true of the State Department, but it extends from there into the entire administrative branch, and into each of the three constitutional branches of the general government. But these conformity pressures don't stop at the federal level. For one thing, wherever federal subsidies go, such conformity pressures follow them. This is especially evident in academic institutions, which almost universally receive federal funding. But it's also evident in practically every supposedly private institution that is subject to federal regulation. But because academic institutions have been so thoroughly overtaken by cultural Marxism, they'll continue here being the exemplars of this syndrome.

When academic institutions are taken over by secular governments, while those secular governments are subject to international treaties, the same kind of conformity filters through the academic institution starting at the treaty and going down. Then, when the academic institution trains students, it transmits the same kind of conformity to them. In a similar manner, such conformity also passes from treaties to the top tier of governments to corporations, and then to business practices and all other aspects of society. This all happens through the Supremacy Clause of the *u.S.* Constitution (VI, 2). The Supremacy Clause states,

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and ***all Treaties made, or which shall be made***, under the Authority of the United States, shall be the supreme Law of the Land, and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding. [***Emphasis added***]

Treaties are obviously part of the supreme Law of the Land. So in the same way that domestic laws impose on people a need to obey, or suffer the consequences, *international law* has the same capacity to impose itself upon people. So the *united States* and everyone who is tied into its institutions, in practically any way, is prone to obey *international law*. Under the Westphalian system, treaties usually only apply to state parties, and not to individual human beings. But as the Westphalian system has been crumbling throughout most of the 20th century, this has become less and less necessarily true. While these conformity pressures filter through the Constitution in this way, it's reasonable to assume that similar conformity pressures filter through treaties to infect domestic populations of other countries. While the subject matter of treaties had little or no direct impact on domestic populations in the past, largely because of the doctrine of no entangling alliances that was adopted during the founding era, it was probably right to consider the impact of treaties largely negligible. But since they've started impacting domestic populations more and more since ***global consolidation*** has become a fact of human existence, the impact of treaties on the domestic man on the street is no longer negligible. Conformity pressures are built up so that ordinary people conform domestically (internally) to treaties that are designed to exert pressures internationally (externally). In modern times, such conformity pressures are magnified again within Church institutions, including seminaries, when such institutions enter into contracts with the Internal Revenue Service for the sake of guaranteeing that they have 26 USC § 501, non-profit status. Thus starting with the government office holders most responsible for ensuring that the nation-state conforms to the given treaty, conformity to the treaty grows through the Supremacy Clause and tends to filter into every aspect of society.

This conformity pressure from *international law*, impacting the man on the street, is the third syndrome, but it's only bad to the extent that it deviates from the natural-rights polity. The third object lesson is that governments should not enter treaties that contain terms that do not conform to the natural-rights polity, because doing so will tend to warp domestic behavior into non-conformity to the natural-rights polity.

(8) Two Kinds of Globalization, One Being the Modern Scourge (strict vs. ~~loose~~)

Before considering complete this movement of the focus of the timeline forward from the 17th century into the 20th century, it's prudent to recognize that there are two fundamentally different kinds of globalization, one that conforms to God's **preceptive will**, and the other that does not. The Great Commission makes it obvious that there is a globalization process that is inherently part of Bible-based Christianity. For example, Matthew's Gospel indicates that

> Jesus came and said to them, "All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you."
>
> (28:18-20a; **ESV**)

This call to expanding global discipleship, and thereby expanding of the visible Church through inclusion of ever more nations, clans, and languages, and thereby including ever more global territory, is clearly a globalization process that tends to reverse the Babel division. Perhaps this Christian globalization process will never again result in a monoglot, socially homogeneous humanity in existence on this earth. But because such globalization is moving in that direction, it's certain that such a monoglot, socially homogenous society will exist in the New Jerusalem, even if it never exists on Earth again. So this is certainly a globalization process that conforms to God's **preceptive will**. But the Babel syndrome curses all other forms of globalization.

Rather than being inherently against all forms of globalization, it's critical to distinguish globalization that is compatible with this long trip to the New Jerusalem, from ***global consolidation*** that is inherently part of the modern scourge, and that inherently arises out of bad hermeneutics, or out of complete disregard or repudiation of the Bible. In the secular arena, there is a huge array of beliefs about how ***global consolidation*** should proceed. This is certainly not an issue about which the Bible is silent. Because biblical globalization entails the at least partial reversal of the Babel division, and is part of the Great Commission, biblical globalization arises out of biblical Christianity and is inherently in competition with all other visions of globalization. This means that biblical globalization, as discovered through these hermeneutics, is inherently in competition with all the various secular visions of globalization, with all the visions of globalization posited by other traditional religions, and with visions of globalization and/or "end times" posited by users of other biblical hermeneutics.

This last sub-chapter in this *international law* encampment, "The Modern Scourge", is aimed primarily at describing Bible-based globalization from the

perspective of biblical jurisprudence. Although that perspective is being emphasized here, it's not possible to avoid simultaneously identifying the modern scourge. The modern scourge is essentially all the false baggage that all these competing visions of globalization and "end times" are mongering. Non-Bible-based visions of globalization include visions coming from the secular, non-religious arena, and from the non-Christian religious arena, both of which include treaties and scientism. But the modern scourge also includes nominally Christian visions of the "end times" that are not necessarily visions of globalization. In fact, the modern scourge includes visions of the future from inside the Bible-believing Christian community, including many eschatological claims expounded through other hermeneutical systems within biblical Christianity.

It may take thousands of years into the future for the post-WWII paradigm in *international law* to transition into a legal system that's compatible with the natural-rights polity. There is no concrete **exegetical** reason, from the perspective of this covenant-theology-based hermeneutical system, to commit to some time frame like a millennium, forty years, a hundred years, ten years, *etc.*, before this singular society and language come into existence. What is certain is that Christ's people are called to build His Church and His kingdom until He returns for the final judgment. What's also certain is that this society will be a *religious social compact* upon its entry into the New Jerusalem. It's also certain that a global *metaconstitutional secular social compact* must precede this singular *religious social compact* in time, for the sake of abiding by the jurisdictional requirements of the biblical covenants while the transition from the ***many-nations epoch*** to the singular *religious social compact* is ongoing. Because the human race is presently nowhere close to the global *metaconstitution*, it's obvious that at this relative beginning of the globalization process, there are many massive changes necessary before the human race reaches that final *religious social compact*. So people need to stay focused on what God calls them to do, and to avoid being distracted by theological claims that are based in hermeneutics that don't deal properly with Romans 13 passages. People should also avoid being distracted by flashy phenomena in the secular arena that may tend to convince them that the single society and the single language, or some gewgaw, are right around the corner. The human race is deeply depraved, and therefore deeply prone to abuse the technology that it generates, deeply prone to violate natural law, deeply prone to generate warped human law, and deeply prone to retain whatever language and culture each is born into. There are massive problems being generated by these competing visions of globalization and these competing hermeneutical systems. Christians should stay focused on solving such problems according to whatever vocation God has called them to, and should avoid being distracted by all these competing visions, both of globalization and of the "end times". So Christians should understand the modern

scourge to consist not merely of competing secular visions of globalization, and competing visions of globalization wrought by competing religions and ideologies, but also of eschatological claims arising out of competing hermeneutical systems within Bible-based Christianity. The hermeneutical system that gives rise to the natural-rights polity absolutely DOES NOT claim to be a harbinger of utopia. Instead, it claims to indicate the standards by which Christ's kingdom is to be built on earth prior to His final return, and the accompanying perfection of that kingdom at his return. These are standards of Christian globalization, in contrast to all the competing visions of globalization, and competing visions of the "end times". The emphasis here is on expounding Bible-based globalization, not on debunking secular globalization, debunking globalization according to other religions and ideologies, or debunking alternative hermeneutics within Christendom. Nevertheless, some debunking along the way is inevitable, and that's why this sub-chapter is called "The Modern Scourge".

The modern scourge is the glut of depraved visions of globalization and "end times", all of which arise out of loose or inadequate hermeneutics. With the strict constructionists vanquished after the War Between the States, the forces of ***national consolidation*** soon started promoting ***global consolidation***, neither of which were based in miniature sovereignty. Because practically all of the 20th century, up to the present, has been marked dramatically by these processes of ***national*** and ***global consolidation***, though the focus of the timeline is on the first quarter of the 21st century, it includes this entire period of large-scale globalization that's here being called "the modern scourge". The following sections within this sub-chapter identify the major arenas within which the modern scourge has been operating. The first to be treated here is jurisprudential sovereignty, because that is where human law has been deviating from its true foundation in miniature sovereignty from its beginning.

(ii) Jurisprudential Sovereignty & Global Consolidation

Now that the focus of the timeline has been moved to encompass the last century, give or take a decade or two, it's possible to start looking at how this century of ***global consolidation*** has impacted the concept of jurisprudential sovereignty. As already amply indicated, jurisprudential sovereignty that is not based on natural rights and miniature sovereignty is inherently dysfunctional. That's why the existing glut of jurisdictionally dysfunctional visions of the future is being called "the modern scourge". They're all based on defective biblical hermeneutics.[1]

1 Where the set of defective hermeneutics includes the utter rejection of the Bible as the worst biblical hermeneutic.

§ (ii) Jurisprudential Sovereignty & Global Consolidation

Within the framework established by the Peace of Westphalia, *international law* developed until it started going through a major paradigm shift around the beginning of the 20th century. The paradigm shift manifested in crises. This examination of jurisprudential sovereignty will treat the crises as essentially ideological, and thereby related to biblical hermeneutics. The following paragraph from Joseph Stromberg's paper, "Sovereignty, International Law, and the Triumph of Anglo-American Cunning", summarizes the Westphalian circumstances from which these crises arose:

> The Peace of Westphalia (1648), which closed the era of wars "of"—or allegedly "about"—religion, established what might be called a rule-bound cartel of sovereign, territorial states, conceived as externally equal to one another and internally hierarchical.[1] At that moment, we see an end to any effective claim by the Papacy and the Holy Roman (German) Emperor to universal jurisdiction. The state system that displaced those competitors thereby created a rule-following international "society" of civilized, Christian European monarchies and states. International law grew within this framework, and, in time, came to be seen as applicable to all outwardly independent political societies in the world.[2, 3]

Understanding the implications of this first paragraph of Stromberg's article, and likewise understanding the present crisis, is inherently dependent upon clear definitions of concepts like "sovereign" and "state". To understand the crux of what's going wrong in the modern world, it's necessary to start by acknowledging that sovereignty has never been properly defined in *de facto international law*. Jurisprudential sovereignty that is lawful ALWAYS arises out of genuine consent, as this booklet has already thoroughly emphasized. Because nation-states have never been defined as being utterly dependent upon genuine consent, nation-states have

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1 Embedded footnote: "On the 'desacralizing' of politics and the 'confessionalization' of the separate states after 1648, see Ian Hunter, 'Westphalia and the Desacralisation of Politics,' in *Thinking Peace, Making Peace*, ed. Barry Hindess and Margaret Jolly (Canberra: Academy of the Social Sciences in Australia, 2002), pp. 36-44."

2 Embedded footnote: "See Leo Gross, 'The Peace of Westphalia,' *American Journal of International Law* 42, no. 1 (January 1948), pp. 20-41. The treaty's text in English is available at http://fletcher.tufts.edu/multi/texts/historical/westphalia.txt."

3 Joseph R. Stromberg, "Sovereignty, International Law, and the Triumph of Anglo-American Cunning", **Journal of Libertarian Studies**, vol. 18, no. 4 (Fall 2004), pp. 29-93, 2004, Ludwig von Mises Institute, Auburn, Alabama. — URL: https://mises.org/library/sovereignty-international-law-and-triumph-anglo-american-cunning-1, retrieved 7 June 2017.

also never been properly defined in *de facto international law*. They can only be defined lawfully based on natural rights, and never on the basis of stolen power and authority. Yet this far-from-perfect system "came to be seen as applicable to all outwardly independent political societies in the world".

According to the **Stanford Encyclopedia of Philosophy**'s article on "Sovereignty", the Peace of Westphalia generated "a system of sovereign states".[1] This agrees both with Stromberg's claim that Westphalia created "a rule-bound cartel of sovereign … states", and with this booklet's claim that Westphalia created an international community of nation-states. The author of the Stanford article, Daniel Philpott, agrees with Stromberg and most scholars in *international law*, about the claim that the Westphalian system lasted until the World War II era. There's also widespread agreement among scholars that the Westphalian system started going through major transitions during the World War I era. As Stromberg indicates, Westphalian sovereignty emphasized that states are "externally equal to one another and internally hierarchical". It should be clear from all that's been said above that the internal hierarchy has the jurisprudential sovereign at the top, with his / her / their agents between the top and the bottom, with the general population at the bottom. This internal hierarchy is generally not the main focus of these World-War era changes in this "rule-bound cartel of sovereign … states". That's because the internal hierarchy pertains to "domestic" law, and not to *international law*. Although both the external equality and the internal hierarchy are affected by these changes that started during the WWI era, the emphasis in *international law* is by definition on the external.

When the Babel builders were well into the construction of their tower of idolatry, God did two profound things that created the need for *international law*. He confused their languages, and He scattered the human race around the planet. Starting at that rudimentary, post-Babel paradigm, *international law* has been developing ever since. The Peace of Westphalia marked a major paradigm shift in *international law*, from a more-or-less inchoate status prior to Westphalia to the Westphalian status marked by internal hierarchy within each nation-state and external equality of nation-states within the international order. The same way the Thirty Years' War and the Peace of Westphalia marked a major transition in *international law*, the two World Wars and the United Nations Charter mark another major paradigm shift. The latter paradigm shift is more profound than the

1 Philpott, Daniel, "Sovereignty", **The Stanford Encyclopedia of Philosophy** (Summer 2016 Edition), Edward N. Zalta (ed.). — URL: https://plato.stanford.edu/archives/sum2016/entries/sovereignty/, retrieved 5 June 2017.

former, because the United Nations is a global treaty, or system of treaties.[1] Because the UN is global, it is a *de facto* attempt at reversing the Babel division. Even so, the globalization process that culminated in the UN Charter started during the World War I era.

(1) Entangling Alliances or Not

World War I was essentially the utter failure of the Westphalian paradigm. It happened because chains of alliances and treaties had been entered as part of the Westphalian system, and like a cheap sweater, when one pulled the right thread, the entire sweater started falling apart. Because of this system of treaties and alliances, the assassination of an Austrian prince in June, 1914, was all it took to embroil all of Europe, and major parts of the entire planet in all-out war, within weeks. These are precisely the kind of entangling alliances that George Washington had warned the *united States* to avoid.[2] Because the *united States* was not so entangled in such treaties at the time, it was not immediately sucked into the war the way most of Europe was. It would require the deliberate striving of a politician aggressively dedicated to ***national*** and ***global consolidation*** to involve the *united States* in that war, the politician being the notorious "progressive", Woodrow Wilson.

Because he was so fervently in favor of ***national*** and ***global consolidation***, Wilson was a major promoter of the League of Nations. Although most of the other countries involved in World War I became involved in the League of Nations when the war was over, the *united States* did not. The *united States* didn't enter the League of Nations for excellent reasons, most of which were articulated by Senator Borah to the 1st session of the 66th Congress in 1919. — When the Senate considered the adoption of the treaty that would make the *united States* a party to the League of Nations, Senator William E. Borah of Idaho made a provocative speech aimed at convincing the senators to vote "No". In the following excerpts, he addresses the president of the Senate (Vice President Thomas R. Marshall) and the opposition:

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1 To be precise, there are populated lands that are not represented in the United Nations as member states, but they are so small and so few that the UN Charter is practically a global treaty, or system of treaties. Westphalia operated under the pretense of being global, but was not global in the practical sense.

2 "Steer clear of permanent alliances with any portion of the foreign world". — Washington's Farewell Address – 1796. Avalon Project at Yale Law School. — URL: http://avalon.law.yale.edu/18th_century/washing.asp, retrieved 14 November 2017. — The same idea appears in Jefferson's first inaugural address, 1801: "peace, commerce, and honest friendship with all nations, entangling alliances with none". — URL: http://avalon.law.yale.edu/19th_century/jefinau1.asp, retrieved 14 November 2017.

… We are in the midst of all of the affairs of Europe. We have entangled ourselves with all European concerns. We have joined in alliance with all the European nations which have thus far joined the league, and all nations which may be admitted to the league. We are sitting there dabbling in their affairs and intermeddling in their concerns. In other words, Mr. President … we have forfeited and surrendered, once and for all, the great policy of "no entangling alliances" upon which the strength of this Republic has been founded for 150 years.

* * *

… There has never been an hour since the Venezuelan difficulty that there has not been operating in this country, fed by domestic and foreign sources, powerful propaganda for the destruction of the doctrine of no entangling alliances.

* * *

Mr. President, there is another and even a more commanding reason why I shall record my vote against this treaty. It imperils what I conceive to be the underlying, the very first principles of this Republic. It is in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers. …

* * *

… You cannot yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. You may still keep for a time the outward form, you may still delude yourself … with appearances and symbols, but when you shall have committed this Republic to a scheme of world control based upon force, … you will have soon destroyed the atmosphere of freedom, of confidence in the self-governing capacity of the masses … We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. …

* * *

Sir, we are told that this treaty means peace. Even so, I would not pay the price. Would you purchase peace at the cost of any part of our independence? We could have had peace in 1776—the price was high, but we could have had it. James Otis, Sam Adams, Hancock, and Warren were surrounded by those who urged peace and British rule. All through that long and trying struggle, particularly when the clouds of adversity lowered upon the cause, there was a cry of peace—let us have peace. …

Peace upon any other basis than national independence, peace purchased at the cost of any part of our national integrity, is fit only for slaves, and even when purchased at such a price it is a delusion, for it cannot last.

But your treaty does not mean peace—far, very far, from it. If we are to judge the future by the past it means war. Is there any guaranty of peace other than the guaranty which comes of the control of the war-making power by the people? Yet what great rule of democracy does the treaty leave unassailed? The people in whose keeping alone you can safely lodge the power of peace or war nowhere, at no time and in no place, have any voice in this scheme for world peace. Autocracy which has bathed the world in blood for centuries reigns supreme. … This, you say, means peace.

Can you hope for peace when love of country is disregarded in your scheme, when the spirit of nationality is rejected, even scoffed at? Yet what law of that moving and mysterious force does your treaty not deny? With a ruthlessness unparalleled your treaty in a dozen instances runs counter to the divine law of nationality. Peoples who speak the same language, kneel at the same ancestral tombs, moved by the same traditions, animated by a common hope, are torn asunder, broken in pieces, divided, and parceled out to antagonistic nations. And this you call justice. This, you cry, means peace. … No, your treaty means injustice. It means slavery. It means war. And to all this you ask this Republic to become party. You ask it to abandon the creed under which it has grown to power and accept the creed of autocracy, the creed of repression and force.

Mr. President, … I have difficulty in subscribing to the new creed of oppression, the creed of dominant and subject peoples. I feel a reluctance to give up the belief that all men are created equal-the eternal principle in government that all governments derive their just powers from the consent of the governed. I cannot get my consent to exchange the doctrine of George Washington for the doctrine of Frederick the Great translated into mendacious phrases of peace. I go back to that serene and masterful soul who pointed the way to power and glory for the new and then weak Republic, and whose teachings and admonitions even in our majesty and dominance we dare not disregard.

I know well the answer to my contention. It has been piped about of late from a thousand sources—venal sources, disloyal

> sources, sinister sources—that Washington's wisdom was of his day only and that his teachings are out of fashion—things long since sent to the scrap heap of history—that while he was great in character and noble in soul he was untrained in the arts of statecraft and unlearned in the science of government. The puny demagogue, the barren editor, the sterile professor now vie with each other in apologizing for the temporary and commonplace expedients which the Father of his Country felt constrained to adopt in building a republic!
>
> * * *
>
> Reflect for a moment over his achievements. He led the revolutionary army to victory. He was the very first to suggest a union instead of a confederacy. He presided over and counseled with great wisdom the convention which framed the Constitution. He guided the government through its first perilous years. He gave dignity and stability and honor to that which was looked upon by the world as a passing experiment, and finally, my friends, as his own peculiar and particular contribution to the happiness of his countrymen and to the cause of the Republic, he gave us his great foreign policy under which we have lived and prospered and strengthened for nearly a century and a half. This policy is the most sublime confirmation of his genius as a statesman. It was then, and it now is, an indispensable part of our whole scheme of government. It is today a vital, indispensable element in our entire plan, purpose, and mission as a nation. To abandon it is nothing less than a betrayal of the American people.[1]

The "foreign policy" that Washington gave the nation was his fervent recommendation to avoid entangling alliances. Following Borah's lead, the Senate soundly rejected the treaty usually known as the Covenant of the League of Nations, much to the chagrin of Wilson and all of his globalist comrades. But the forces for ***global consolidation***, both within and without the *united States*, would not easily surrender. If another world war would be necessary for them to reach their goals, then so be it.

The period from around the beginning of WWI to the end of WWII should be understood to be the transition from the Westphalian era to the post-WWII era. While WWI was followed by the large-scale adoption of the League of Nations, WWII was followed by adoption of the United Nations Charter. At the end of World War II, the Senate passed the United Nations treaty without any major objections from

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1 58 **Congressional Record** 8781 (1919). — Senate, 66th Congress, 1st Session, pp. 8781-8784.

anyone like Borah. — What happened between 1919 and 1945 that made politicians in the *united States* convinced that they had to move toward world confederation? — There are no good reasons for abandoning the doctrine of no entangling alliances, but there are nevertheless some understandable circumstances that explain it. Even though Washington was wrong in allowing Hamilton to set up the central bank, he was right to promote the policy of no entangling alliances. Why? Because the bank violated the natural-rights polity by violating the subject-matter jurisdiction of the *metaconstitutional secular social compact*, while no entangling alliances conforms to the *metaconstitutional secular social compact*. The natural-rights polity demands that *secular social compacts* avoid entering into contracts with any entity where the contract violates the subject-matter jurisdiction of the *secular social compact*. A mutual defense treaty with a foreign nation-state, where that nation-state shows little or no sign of conformity to the natural-rights polity, is just such a prohibited contract. A country that's not dedicated to the natural-rights polity is a country that doesn't adequately recognize the difference between aggressive war and defensive war, doesn't adequately understand just war, and is unworthy of being a treaty partner to a *de jure secular social compact*. That's why the doctrine of no entangling alliances is generally compatible with the *metaconstitution*. So why did the *united States* decide to reject Washington's policy after WWII, when they had embraced it after WWI?

Although the *united States* had largely followed the doctrine of no entangling alliances between the founding era and the 20th century, American foreign policy had never been perfect. An example of this imperfection can be seen in the Monroe Doctrine of 1823, and especially its Roosevelt Corollary, which was expressed in President Theodore Roosevelt's State of the Union address of 1904. The corollary was a response to the Venezuela Crisis of 1902-1903, in which European powers blockaded Venezuela in response to the latter's default on its debts. Both the Monroe Doctrine and its corollary are policies promoting foreign interventionism. They may not be identical to entangling alliances, but they are policies aimed in the same direction, unjust war. — Regarding the reason for the rejection of Washington's doctrine at the end of WWII, during the 1930s, the *united States* had been subjected to (i)a major economic depression that had been engineered by the privately-owned Federal Reserve central bank; (ii)massive propaganda pressures from what Borah called venal, disloyal, and sinister sources; and (iii)other political and economic pressures from entities fervently committed to ***national*** and ***global consolidation***. All of these pressures were leading towards consolidation, towards what Marxists call collectivization. They were all leading towards the abandonment of foundational principles, one of which was the avoidance of entangling alliances. Facially, reasonable explanations for the politicians to abandon the 1919 posture exist in the fact that the Allies of WWII were ideologically split. The two victorious

sides, the Soviet Union, on one hand, and its western allies, on the other, promptly entered an arms race after the war, where each side had nuclear weapons. In short, the combination of fear of destroying all earthly life, with all these numerous other fears and pressures, motivated Americans to abandon even more of their founding principles, including the doctrine of no entangling alliances. Unlike the massive population of American sheep who were oblivious to the fact that they were being led astray, the wolves, the nefarious characters who were utterly committed to the consolidation process, had the capacity to manipulate public opinion through a variety of schemes.

Now, in the first quarter of the 21st century, there's been such long-standing erosion of foundational principles that it's critical to maintain Borah's 1919 posture before American appreciation for the *metaconstitution* evaporates entirely. In order to maintain that posture, it's crucial to understand the enemy. For Americans in general to underestimate the forces arrayed against the natural-rights polity would be disastrous. It's outside the scope of this work to offer an exhaustive survey of the enemy's arsenal and strategies, but it's crucial to look deeply enough to avoid being complacent.

(2) Human Rights vs. Natural Rights

The Senate ratified the United Nations Charter on July 28, 1945, by a vote of 89 to 2. The Charter was a treaty constituting new *international law*, and this "new international law provided justification for the Nuremberg tribunal."[1] The Nuremberg Trials were crucial because they mark a major shift in *international law*'s definition of sovereignty. The following quote from one of America's Nuremberg prosecutors hints at how this is so:

> Nuremberg denied the act of state defense which would have justified such actions [(planning, preparing, and carrying out wars of aggression)] on grounds that they were within Nazi Germany's prerogative as a sovereign state.[2]

When Nazi defendant after Nazi defendant pleaded not guilty to war crimes on the grounds that he was just following orders, the court held that the defendant was guilty in spite of the fact that he was just following orders. Under Westphalian sovereignty, the nation-state's internal affairs were none of the outside world's

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1 Stromberg, p. 57.

2 Remarks originally given at American Bar Association Annual Meeting, August 7, 1995, by Henry T. King, Jr., former U.S. Prosecutor at Nuremberg Trials. — URL: http://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1552&context=jil, retrieved 7 September 2017.

business. By claiming that they were not guilty, these defendants were relying upon Westphalian sovereignty. By finding those men guilty, the Nuremberg court was essentially claiming that even if Westphalian sovereignty still existed, it was not so impervious that it could protect actions as reprehensible as those of the defendants. Thus, the Nuremberg Trials represented a major attack on Westphalian sovereignty. But if such jurisprudential sovereignty collapsed, what would take its place?

It might be easy for the novice to assume that the ideological foundation upon which the Nuremberg court overrode Westphalian sovereignty must have been natural rights. After all, doesn't every human being have the natural, God-given right not to be the victim of war crimes? Although this may be common sense to most Christians, and even to most Americans, the facts show it to be naïve. The facts show that the ideological framework through which the Nuremberg court pierced Westphalian sovereignty's corporate veil was so-called "human rights", not "natural rights". Although this may appear facially to be a distinction without a difference, in fact, it is a distinction with a huge difference. Natural rights arise out of the natural law, and they are fundamentally connected to the *imago Dei*, and therefore to the existence of God, and to God's **decretive will**. In contrast, the UN's Universal Declaration of Human Rights (UDHR) doesn't recognize God's existence in its definition of human rights. The authority upon which the UDHR rests is the authority of the UN, and only the authority of the UN. So the UDHR's claims about human rights are true only because they say they're true, not because it's an undeniable aspect of the natural law. This claim is verified in Article 29(3) of the UDHR. Prior to Article 29, twenty-eight articles and the preamble are dedicated to extolling human rights, but item 3 of Article 29 says, "These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations." In other words, the UN is the final definer of what human rights are, not God. This has been the kind of double-speak used by autocratic rulers throughout history. What tyrants give, tyrants can take away, but what God gives and takes is an entirely different class of phenomenon. This should put everyone on guard to not trust the UN. The ***global consolidation*** manifested in the United Nations should be trusted even less than the ***national consolidation*** process. So the Nuremberg court did the right thing for the wrong reason. But even if they'd done it for the right reason, their decision would have still been an attack upon Westphalian sovereignty.

In addition to this attack on Westphalian sovereignty by the Nuremberg tribunal, the external equality aspect of Westphalian sovereignty has been suffering circumvention, erosion, and corrosion by way of the UN Charter, and other leagues

and alliances like NATO, the Warsaw Pact, the European Union, and NAFTA.[1] Even though this erosion of Westphalian sovereignty is admitted to exist by most scholars in *international law*, none of them is pointing to genuinely viable solutions to the problems underlying this erosion. — The core of all these problems is the long-standing disconnect between the natural-rights of every human being, on one hand, and the refusal by many to admit that no one is above the laws that arise rationally and naturally out of the existence of natural rights, on the other. So the leaders of the Third Reich were not above God's global prescription of human law, but neither are the leaders of the UN.

Because the Westphalian sovereignty of all existing nation-states is jurisdictionally dysfunctional, including that of the *united States*, there may be some question about why anyone should be uneasy about its loss. This question should be answered by another: What is to replace the loss of sovereignty of the nation-state, something better or something worse, the natural-rights polity or some totalitarian monstrosity? The further out of the control of miniature sovereigns at large the jurisprudential sovereignty gets, the less consensual it becomes, and the more prone to abuse it becomes. This is especially true if there is no real appreciation for the natural rights polity among those who wield the "sovereign" power. — Regarding migration of jurisprudential sovereignty from the nation-state to the global arena: Under the natural-rights polity, the core of jurisprudential sovereignty abides in the capacity of the miniature sovereign to ascent, consent, or dissent in regard to any given legal action or decision. In general, the further removed the decision-making process gets from that local level, the more out of the miniature sovereign's control the decision is. On the other hand, in order to combine the "benefits of both centralized and diversified government", quoting Graham in regard to a ***confederate republic***,[2] strict adherence to the jurisdictional constraints inherent in the *secular social compact* must be observed throughout the *metaconstitutional* confederation, especially at top tiers.

In order to adequately oppose the modern scourge, it's necessary to expand the *metaconstitutional* conception of human law and government to the point at which there is a *secular social compact* that has global territorial jurisdiction, similar to the way the general government of the *metaconstitutional united States* has territorial jurisdiction over the fifty States. It's a jurisdiction that's limited by subject-matter and *in personam* jurisdictions. The purpose of such a *secular social compact* would be to enforce the same limited subject-matter jurisdiction as the general government of the *metaconstitutional united States*, but over a global territory. Such a *secular*

1 But this erosion / corrosion of Westphalian sovereignty does not entail that the ruler-ruled caste system is eroding.

2 Graham, **Principles of Confederacy**, p. 51.

social compact can arise only by genuine consent, starting at the local, miniature-sovereignty level, and growing to the global level only by genuinely consensual means. The way such a *metaconstitutional secular social compact* should arise within the *united States* should entail the repeal of the 17th Amendment. Prior to the 17th Amendment, each State's legislature elected both senators to the general government's Senate. This was the original constitutional design because it was believed, rightly, by the framers, that the State legislatures would be better able to control the actions of federal senators than the State's general population, because they would be generally better informed. Part of the demise of strict construction entailed the diminution of State power and the conversion of States into administrative provinces. So the ***national consolidation*** process entailed migrating the power to elect senators from the State's legislature to the State's general population. That way, each senator wouldn't represent his/her State so much, and would rather represent the faction, the political party, that elected them. Given that in the future, States will be converted to genuine *secular social compacts*, State legislatures will not then be so prone to corruption as are State legislatures under both loose construction and strict construction. And because State legislatures are more likely to know what's really needed at the level of the general government than the general population that is busy with its daily obligations, and assuming the strict observance of the subject-matter jurisdictions of *metaconstitutional secular social compacts*, there's more wisdom in following the framers' original design than in following an amendment put in place by the loose constructionists. — These same jurisdictional constraints need to be followed at every tier of the global *metaconstitutional* system, up to and including the top tier. The top-tier *secular social compact* would be the natural-rights alternative to the UN.

(3) The Rise of Post-WWII Modern-Scourge Globalization

Because *de jure secular social compacts* don't now exist anywhere, it may be a long time before the global *metaconstitution* comes into existence. In the meantime, it's necessary to devise more *ad hoc* mechanisms for defending the visible Church and other innocents against onslaughts of the modern scourge, where these mechanisms would fall within the subject-matter jurisdiction of a *de jure secular social compact*, or at least of a *jural compact* or a strictly defined *ecclesiastical compact*. Such defenses require accurate information about what those pushing the modern scourge have been doing, and are doing. It also requires that those committed to the natural-rights polity be armed as well as aware. Such defenses are mostly a process of saying "No!", but knowing when and how to say "No!" is a prerequisite.

From the biblical worldview generated by the biblical hermeneutics expounded herein, the most profound feature of this new post-WWII environment is that it is

inherently promoting ***global consolidation***, an international integration of countries and economies. But one of the vehicles by which it's doing that is the destruction of Westphalian sovereignty, which often entails the disintegration of nation-states, and the replacement of them with multiple, less sovereign nation-states. So with good reasons, many Bible-believing Christians believe that globalization is inherently bad. Modern-scourge globalization certainly is. As indicated above, the modern scourge is essentially all the false baggage that all these competing visions of globalization and "end times" are mongering. That certainly includes the false visions of ***global consolidation***. But given that such ***global consolidation*** has grown to such gargantuan dimensions, it's necessary to look at it closely. — The UN does not now have all legislative, executive, and judicial powers that are necessary for it to be a genuine global government. It was created without these in 1945, but has been acquiring them piecemeal ever since. Because the *secular social compact* that is at the top of the global *metaconstitution* must have these powers, and because the UN and the *metaconstitution* are inherently at odds, it's imperative that these powers not be further allocated to the UN, and that whatever of these powers the UN has already acquired be divested from them.

The concern about the disintegration of national sovereignty needs to be kept in context. The Westphalian concept of nation-state sovereignty is based largely on stolen authority. It follows that migration of such stolen authority from nation-states to global government is also necessarily based on stolen authority. This is precisely why this migration needs to be stopped. It's also why, in the process of stopping this migration, nation-states need to be revamped entirely to eliminate this practice of stealing authority.

People who recognize the group-think syndrome in the Babel episode should have no problem understanding that the modern scourge's globalization advocates are organized, and should never be underestimated. To get a solid grip on this fact, it's necessary to identify the organizations through which these globalists operate. The UN is obviously one such organization, but the UN is the product of smaller, more obscure organizations. One of the most powerful of these has been the Council on Foreign Relations (CFR). But the CFR is also the product of a smaller, more obscure organization. — As described by Carroll Quigley in **Tragedy and Hope**, 19th-century gold and diamonds tycoon, Cecil Rhodes, bequeathed a fortune for the establishment of what came to be known as the "Round Table groups". Rhodes and organization were dedicated to promoting Anglophile imperialism worldwide. In other words, they were utterly committed to promoting the ruler side of the ruler-ruled caste system, especially where the ruler was the English monarchy, parliament, legal system, *etc.* Round Table groups were formed throughout the British Empire,

and even in the *united States*. The Round Table group in England was called the Royal Institute for International Affairs, while the Round Table group in the *united States* has been called the CFR. All of these groups have been promoting modern-scourge globalization since their founding, and they've been extremely organized and systematic about it. In fact, the CFR colluded with the American State Department to establish the United Nations, starting well before the end of WWII.

> The United Nations did … come into being with the signing of the UN Charter by representatives from 50 nations meeting in San Francisco on June 26, 1945. But that signal event was the culmination of years of planning by a private, high-level policy group that had gained de facto control of our foreign policy during the Roosevelt Administration. Immediately after our entry into the war, the organization, the Council on Foreign Relations (CFR), planted the idea of a world-governing "peace" organization. At the instigation of our State Department, the 26 nations at war against the Axis powers proclaimed themselves the United Nations in January 1942.[1]

Although the American people generally referred to the side of the war to which the US was committed as the "Allies", the official name within the government was the "United Nations". In January 1943, the Secretary of State and five other men formed what was later known as the "Informal Agenda Group". The group, excluding Secretary Hull, were all CFR members. They drafted the original proposal for the UN. This proposal was perused by three CFR lawyers and pronounced "constitutional". Then it was handed to Roosevelt on June 15, 1944, who approved it the same day. The U.S. delegation to the UN's founding conference in San Francisco included 43 CFR members. "The secretary-general of the conference was U.S. State Department official Alger Hiss, a member of the CFR and a secret Soviet agent. … [T]he United Nations is completely a creature of the Council on Foreign Relations."[2]

All this demands some explanation regarding the purposes of the CFR. The CFR officially claims, "The Council shall not take any position on questions of foreign policy."[3] If this were true, then how could it have ever drafted the UN Charter? This claim also conflicts with the personal experience of Admiral Chester Ward, a member of the CFR for sixteen years. These sixteen years

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1 William F. Jasper, **Global Tyranny … Step By Step: The United Nations and the Emerging New World Order**, 1992, Western Islands, Appleton, Wisconsin, Chapter 3, "The UN Founders", pp. 45-46.

2 Jasper, **Global Tyranny**, Chapter 3, "The UN Founders", pp. 46-48.

3 "Rules, Guidelines, and Practices", Council on Foreign Relations, **Annual Report**, July 1, 1990-June 30, 1991, p. 168.

> led him to conclude that the group was formed for the "purpose of promoting disarmament and submergence of U.S. sovereignty and national independence into an all-powerful one-world government." Together with coauthor Phyllis Schlafly, he wrote that the most influential clique within the CFR "is composed of the one-world-global-government ideologists – more respectfully referred to as the organized internationalists. They are the ones who carry on the tradition of the founders." Moreover, he charged, "this lust to surrender the sovereignty and independence of the United States is pervasive throughout most of the membership. … The majority visualize the utopian submergence of the United States as a subsidiary administrative unit of a global government. … "[1, 2]

Given that the UN is based on a vision of submerging the sovereignty of the United States, the vision demands a question regarding whether it's better for the *u.S.* to be submerged to the UN globalization, or for the *u.S.* to be the model for globalization to the rest of the world, to the utter exclusion of the UN.

According to Quigley, writing in the 1960s, not only American sovereignty, but also "a number of … rational distinctions no longer exist [in *international law*]; these include the distinction between war and peace, the rights of neutrals, the distinction between combatants and noncombatants, the nature of the state, and the distinction between public and private authority".[3] The distinction between public and private authority is dubious, as already indicated above. But the distinction between combatants and noncombatants started dissolving via the Kellogg-Briand Pact (1928).[4] That dissolution was confirmed in spades when the US wiped out cities full of noncombatants when it dropped atom bombs on Hiroshima and Nagasaki. The dissolution of the distinction between war and peace is exemplified by the almost non-stop wars perpetrated in the UN's name since WWII.

Because the American system is much closer to the natural-rights polity than the post-WWII international system, it is more capable of supplying a framework for a natural-rights-honoring international system than *de facto international law*, especially when the UN is the apex of *international law*. So in the *united States*, there needs to be a plank-by-plank dismantling of the UN, along with a complete

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1 Embedded quote: Phyllis Schlafly and Chester Ward, Rear Admiral, USN (Ret.), **Kissinger on the Couch**, 1975, Arlington House, New Rochelle, NY, pp. 146, 149-150.

2 Jasper, **Global Tyranny**, Chapter 3, "The UN Founders", pp. 49-50.

3 Quigley, p. 867.

4 Quigley, "The Versailles System and the Return to Normalcy", pp. 294-295.

repudiation of all treaties associated with the UN, including the United Nations Charter.

The demise of nation-state sovereignty is inherently part of this process of migrating jurisprudential sovereignty to the UN, the same way the demise of the sovereignty of the American States was inherently part of the process of migrating jurisprudential sovereignty from the States to the federal government as part of ***national consolidation***.

It should be obvious by now that modern-scourge globalization is happening, and that the sacrifice of nation-state sovereignty to the gorging of United Nations sovereignty is a crucial part of the process. But complacency and sleep among God's sheeple has been such a serious problem for so long, and the need to understand the enemy is so great, that it's important to investigate the role of jurisprudential sovereignty in this process more extensively before moving to the next section.

During the 1960s, nefarious characters within the jurisdictionally dysfunctional general government of the *united States* adopted the epithet, "conspiracy theorist", to discredit people who didn't believe in the government's story regarding the Kennedy assassination. Since then, the same epithet has been leveled against people who couldn't swallow the statists' narrative regarding numerous other tragic events, including the Gulf of Tonkin incident (1964), the Oklahoma City bombing (1995), and the September 11 attacks (2001). For these and many other aspects of American history during the last hundred years, people who chose to apply critical thinking to the state's narrative have been dismissed by venal, disloyal, and sinister sources as "conspiracy theorists". Even so, the evidence is piled too high to deny that modern-scourge globalists have been pushing ***national*** and ***global consolidation*** for a very long time, with much of their conspiracy happening through clandestine actions and organizations. In fact, William Jasper offers ample evidence to show, for example, that "CFR members and their kindred spirits … have left a revealing trail of books, articles, studies, proclamations, and other documents that unmistakably confirm their intention."[1] Similar paper trails exist for other clandestine, ***national-*** and ***global-consolidationist*** organizations, including the Trilateral Commission (TC), the Bilderberg Group (BG), the Committee for Economic Development (CED), and numerous other foundations and think tanks. This collectivist disease infects practically every institution in the country.

Because the *united States* Constitution is grounded upon the Declaration of Independence, it is grounded upon natural law and natural rights. As already indicated, neither the strict constructionists nor the loose constructionists ever

1 Jasper, **Global Tyranny**, Chapter 3, "The UN Founders", p. 85.

built a solid ideological bridge between these two documents. But the presence of natural law and natural rights in the Declaration is so undeniable that only the ideologically perverse could deny it. This means that, as Jasper says, "The main political obstacle to the new world order envisioned by the one-world schemers has been, and remains, the Constitution of the United States of America."[1] As he says elsewhere, the reason the globalists are intent upon eliminating the Constitution is because "These globalists are after power – raw, absolute, global power, unimpeded by constitutional restraints, the rule of law, and the natural checks and balances against worldwide power provided by sovereign nation-states."[2] This is because, "We are dealing with a self-perpetuating conspiracy of immensely wealthy, utterly wicked, power-mad megalomaniacs who want to rule the world. It is that simple."[3]

Jasper's characterization of these Babel builders as "power-mad megalomaniacs" may indicate that these people are psychopaths, or sociopaths, or both. But the people who are pushing this ***national-*** and ***global-consolidationist*** agenda may simply be people like Alexander Hamilton, people who don't understand why collusion between business and *secular* government is a bad idea, people who have grown accustomed to corrupt business and government, people who assume that this is simply the way things get done in this world. This is essentially a description of someone whose conscience is seared with respect to commerce and government. That is precisely what one would expect of people operating under Hamiltonian loose constructionism. So basically, modern-scourge globalization that's being pushed by "immensely wealthy, utterly wicked, power-mad megalomaniacs" is well within the parameters one would expect of unrepentant Babel builders. People like this build foundations, think tanks, and other institutions to promote their Babel-building worldview. No one should be surprised by the existence of such people; and no one should be surprised by the existence of nefarious institutions like the CFR, TC, BG, CED, *etc.*; and no one should be surprised that a congressional committee like the House Select Committee to Investigate Tax-Exempt Foundations (a.k.a., the Reece Committee) concluded the following in the Reece Report (1954):

> [M]ajor foundations [(like Carnegie, Ford, Rockefeller, *etc.*)] "have actively supported attacks upon our social and government system and financed the promotion of socialism and collectivist ideas." The committee further declared that the private CFR had

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1 Jasper, **Global Tyranny**, Chapter 3, "The UN Founders", p. 101.

2 William F. Jasper, **The United Nations Exposed: The Internationalist Conspiracy to Rule the World**, 2001, The John Birch Society, Appleton, Wisconsin, Chapter 1, "The Threat", p. 16.

3 Jasper, **The United Nations Exposed**, Chapter 1, "The Threat", p. 8.

> become "in essence, an agency of the United States government," and that its "productions are not objective but are directed overwhelmingly at promoting the globalist concept."[1]

Sadly for the movement towards the natural-rights polity, this warning from the Reece Committee went largely unnoticed at the time of its publication in 1954, because the media was so focused on the misdeeds of Senator Joseph McCarthy.

The fact that the CFR has been the most outed organization in regard to globalist inclinations by no means indicates that people should be focused exclusively, or even primarily, on it as the primary enemy. The Babel syndrome is the primary enemy in the realm of human law and government. Like Satan, the Babel syndrome is a shape shifter. In keeping with that fact, the CFR, like the Round Table groups in general, is inclined to secrecy, and to clandestine operations. But it's difficult to get things done in the real world without people noticing. An organization like this can proceed for a long time, but eventually its subversive deeds get noticed. This requires that it diversify in order to maintain the clandestine nature of the general operation. So,

> A host of adjunct organizations were created to promote the CFR viewpoint: the United World Federalists, Atlantic Council, Trilateral Commission, Aspen Institute, Business Council, Foreign Policy Association, etc. Through its members, the CFR steadily gained influence in and dominance of the executive branch of the federal government, both major political parties, important organs of the new media, major universities, influential think tanks, large tax-exempt foundations, huge multi-national corporations, international banks, and other power centers.[2]

So eventually, a fundamentally globalist organization like the CFR becomes a front group for a plethora of other organizations, and every community becomes infected with tentacles originating in the Babel syndrome, operating through hermeneutical misconstruction, and reaching into every facet of society. That's the status of things in the 21st century in the *united States*. This is thus a major, largely covert assault on miniature-sovereignty-based jurisprudential sovereignty.

Because people generally don't like changing things to which they've become accustomed, they generally don't like surrendering nation-state sovereignty to globalization. So people often resist the transfer of power from entities grounded in Westphalian sovereignty to entities grounded in new *international law*. Globalists

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1 William F. Jasper, "Foundations: Cutting Off the Toxic Funding Flow", **New American Magazine**, January 27, 2017.

2 Jasper, **Global Tyranny**, p. 56.

tend to view this as mere inertia that needs to be overcome by whatever means they deem appropriate. But there is a big difference between the intransigence of the people of the *united States* and the intransigence of people of other nation-states, namely, that the *united States* has the seeds of the natural-rights polity built into its organic documents, while other nation-states, not so much. The most hardcore globalists treat this as merely a need to meet stubbornness with stubbornness. They believe that they are intellectually superior to all those American plebians, so it should be easy for them to be more cunning at every point. They simply refuse to believe that natural rights are superior to human rights, because humanity has always had human government marked by this subject-sovereign bifurcation. The globalization process has been going on for so long, why should they think that anything could stop it, especially something as historically impotent as natural rights?

The *united States* and Switzerland are practically the only nation-states left on Earth that have the individual's right to bear arms written into the nation-state's laws. In order for the UN to become a genuinely global government, like all tyrants, it must disarm the population. There's plenty of evidence that globalist organizations, including the UN, CFR, and aspects of the *united States* government, have been pushing for disarmament of ordinary people, and construction of a globalist military, for a long time.[1]

(4) The Regionalization Ploy

The modern-scourge globalists have essentially made three major pushes towards global government. The first was the League of Nations, which was defeated by the American Senate in 1919. The second was the United Nations Charter, which was passed by the Senate, but lacked many legislative, executive, and judicial powers needed by any human government. Because the globalists realized that the world's population would relinquish nation-state sovereignty only very begrudgingly, they decided to adopt a piecemeal approach to migrating those fundamental powers to "global governance". This piecemeal approach is the third major push, and it has now been going on for a long time. In fact, it probably started even before the famous article in **Foreign Affairs** that announced the need for it:

> CFR luminary Richard N. Gardner took this same message of patient, persistent plodding to the Council's members and followers in 1974, with his now-famous article in *Foreign Affairs* entitled "The Hard Road to World Order." Since hopes for "instant world government" had proven illusory, he wrote, "the house of world order" would have to be built through "an end

1 Example, see Jasper, **Global Tyranny**, Chapter 2, "In the Name of Peace".

> run around national sovereignty, eroding it piece by piece." This could be done, he noted, on an ad hoc basis with treaties and international 'arrangements" that could later be brought within "the central institutions of the U.N. system."[1, 2]

Nation-state sovereignty, even though it's certainly jurisdictionally dysfunctional, acts as a check and balance against global sovereignty, which would be jurisdictional dysfunction on steroids.

Even before the atomic bomb was publicly known to exist, the Senate ratified the UN Charter, based on pressures towards globalization besides those supplied by the nuclear arms race. So unlike the Borah generation of senators, the senators of 1945 acquiesced to globalization pressures practically without a fight, probably even with great enthusiasm. Between the end of WWII and the collapse of the Soviet Union, fear of the bomb became prevalent, and even sufficed to keep the American population bedazzled by the UN's supposed "peace" mission. But even during the 1960s, globalist elements both inside and outside the government were trying to devise an alternative to the bomb, something besides the bomb to use like a cattle prod on the American public. The alternative proposed, even during the 60s, was environmental disaster.[3] So ecology, including climate, has been a tool of modern-scourge globalization for a very long time. Use of environmentalism as a stock prod combines with the globalists' need for shape shifting to paint a picture of present circumstances that matches well the real situation. The shape shifting morphs into regionalization, an interim, temporary alternative to globalization. Before concluding this treatment of jurisprudential sovereignty, it's important to look more closely at regionalization.

Former National Security Advisor, Zbigniew Brzezinski (CFR, TC), has been recorded as saying,

> We cannot leap into world government in one quick step. … [T]he precondition for eventual globalization – genuine globalization – is progressive regionalization, because there we move toward larger, more stable, more cooperative units.[4]

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1 Embedded endnote: "Richard N. Gardner, 'The Hard Road to World Order,' *Foreign Affairs*, April 1974, p. 558-59."

2 Jasper, **Global Tyranny**, p. 97.

3 Jasper, **Global Tyranny**, pp. 130-132.

4 Audiotaped by William F. Jasper at Brzezinski / Gorbachev State of the World Forum, Fairmont Hotel, San Francisco, September 28, 1995. The quote appears in Jasper, **The United Nations Exposed**, p. 189.

By 1995, when this statement was made, the policy of making "an end run around national sovereignty, eroding it piece by piece", had been thoroughly adopted by all the top globalists. So this process of "progressive regionalization", as a "precondition for eventual globalization", was recognized as a crucial aspect of this "end run around national sovereignty". Instead of requiring that nation-states, along with their subordinate entities, surrender such sovereignty immediately to global government, surrender of sovereignty piecemeal to more seemingly innocuous regional entities would be the goal of this third, protracted try at global government. By keeping their goals as cloaked as possible, their goals don't seem quite so villainous.

Immediately after WWII, there was an attitude abroad throughout much of the world, that "national sovereignty is the root of the evil".[1] But, quoting *international law* professor and World Court justice, Philip C. Jessup (CFR), there's a question that needs to follow this appraisal: "Can the root be pulled up by one mighty revolutionary heave, or should it first be loosened by digging around it and cutting the rootlets one by one?"[2] So even though there was great enthusiasm after WWII for going directly into world government, sober people who were committed to the globalist goal knew that it would need to be done piecemeal. Because the UN had deficiencies in legislative, executive, and judicial powers, the UN would never become a world government unless it absorbed these powers from member nation-states, and such absorption would diminish the nation-states' sovereignty and autonomy. Without the proper discernment of jurisdictions, this is inherently an either-or situation. Either the UN has sovereignty and the member states don't, or the member states have sovereignty and the UN doesn't. However, regionalization is an interim stage that alleviates this either-or tension. How this works was indicated in an article appearing in the Fall 1991 issue of **Foreign Affairs**.

> After all, international organizations and agreements like GATT and NAFTA by definition minimize assertions of sovereignty in favor of a joint rule-making authority.[3]

The European Union should be taken as a prototype for how this usurpation of nation-state sovereignty by a regional organization happens. This transformation of Europe has been steered by globalists from the end of WWII forward.[4] It's

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1 Quoting Philip C. Jessup (CFR), who was professor of *international law* at Columbia University when he wrote this.

2 Philip C. Jessup, **International Problems of Governing Mankind**, Claremont Colleges, Claremont, CA, 1947, p. 2. — Quoted by Jasper, **Global Tyranny**, p. 92.

3 M. Delial Baer, "North American Free Trade", **Foreign Affairs**, Fall 1991, p. 148.

4 For more about that EU process, see Jasper, **The United Nations Exposed**, Chapter 10, and **Global Tyranny**, Chapter 13.

important to note in passing that tax payers in the *united States* have paid for much of the regionalization process.

Led by "globalist Insiders and their Communist partners" throughout the 20th century, through a

> convulsive process of controlled chaos, nations, kingdoms, and empires have been toppled, borders erased and redrawn, stable social and political systems uprooted, and whole peoples annihilated or driven as refugees into foreign lands. The maps of Europe, Africa, and Asia, especially, have been repeatedly redrawn in this fashion, with the result that the number of nation states in the world has increased from 72 at the end of World War II to 195 today [2000]. … In virtually every case where these new nations have been created or reformulated, the one-worlders have assured that corrupt, socialist regimes would be placed in power – either the totalitarian, revolutionary, socialist (Communist) variety, or the evolutionary, big-business, socialist (Fascist) variety.
>
> These newly created entities have been manipulated, with relative ease, into joining various regional organizations established, ostensibly, for the mutual benefit of the countries involved. Thus, the Organization of American States (OAS), the Organization of African Unity (OAU), the North Atlantic Treaty Organization (NATO), the Asia Pacific Economic Cooperation (APEC), the European Union (EU), the European Monetary Union (EMU), the North American Free Trade Association (NAFTA), the Middle East-North Africa economic area (MENA), and other regional organizations have sprouted and grown into sizable establishments wielding increasing power.[1]

From the perspective of the natural-rights polity, this regionalization process has been hideously evil, because it has driven jurisprudential sovereignty ever further away from the control of miniature sovereigns, and ever more into the control of elitist, globalist pseudo-sovereigns, all with flaming ignorance of jurisdictional prudence. The following characterization of the European Union shows how that movement towards a united Europe has been a movement towards pseudo-sovereignty. Practically everything that the following statements says about the Europe Union is true also of these other economic organizations:

(i) "While posing as a 'bottom-up' popular movement, it was completely a 'top-down' enterprise, run entirely by an elite coterie of one-worlders."

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1 Jasper, **UN Exposed**, pp. 190-191.

(ii) "While posing as a native European movement, it was largely directed by U.S. Insiders and almost totally financed by U.S. taxpayers."

(iii) "Presented to Americans as a way to defend Western Europe from Communism, it has instead been used to drive Europe into socialism."

(iv) "Warnings that the Common Market would erode national sovereignty were shouted down as paranoid ravings, but they have proven true."

(v) "The national and local governments of the EU countries are being swallowed up and increasingly overruled by unaccountable Eurocrats and Eurojudges."

(vi) "The EU currency, the *euro*, and the Eurobank are destroying the value of the individual national currencies and the economic sovereignty of the member states."

(vii) "The EU governing institutions, acting in coordination with their fellow one-worlders in national governments, are becoming increasingly socialistic and oppressive."[1]

Such regionalization processes have all the characteristics of historic Babel building. It's all about human self glorification based on idol worship.

(5) Conclusion

To summarize the status of jurisprudential sovereignty during the post-WWII, post-Cold-War era, it's safe to say that jurisprudential sovereignty is in flux. Modern-scourge globalization and regionalization are constantly pushing jurisprudential sovereignty away from its true home in agreement between miniature sovereigns, and towards the nebulous and tyrannical. Since the "terror attacks" on September 11, 2001, there have been signs of a gradual awakening of people outside the ambit of the globalist elite, and some modest signs of their defensive pushback against the globalists. In the remaining sections of this sub-chapter, the status of jurisprudential sovereignty will manifest itself in manifold ways, as this booklet does cursory examination of the core aspects of modern society, including religion, science, economics, law and government, money and banking, and the military.

1 These quotes are from Jasper, **UN Exposed**, pp. 196-197.

(iii) Religion, Science, & Global Consolidation

With third-try, modern-scourge globalization now fully operational, even through its piecemeal, regionalization strategies, it's crucial for every Bible-believing Christian who has eyes to see and ears to hear to understand the circumstances and to defend the visible Church. This modern-scourge globalization process has been advancing, and thereby assaulting orthodox Christianity, primarily through propaganda mechanisms, meaning through the opinions, worldviews, and doctrines of globalists, as these are expressed through various media. But the globalists impact the visible Church more directly and with more obvious malefaction, through human laws, politics, and economics. Although both the propaganda and the more direct action are despicable, the globalists could easily defend their actions and opinions through *metaconstitutional* principles, by arguing that Christianity deserves the ill repute that it has acquired throughout much of the culture. The globalists could do this by arguing that the 1st Amendment religion clauses make it obvious that under the subject-matter jurisdiction of the general government, religions exist in a free market; and Christians should stop whining about the loss of their special status as a quasi-established religion, similar to the way Puritans were forced by circumstances to stop whining about their loss of political power; and Christians should just accept whatever status the free market determines their religion or church deserves. In this way, the globalists could use *metaconstitutional* principles to drive Christianity further into disrepute. — In order to counter this argument, it's necessary for Christians to first accept the fact that the loss of their status as a quasi-established religion is a good thing because conformity to biblical jurisdictions demands such loss. So this loss is not something to begrudge. After accepting these new circumstances, as they've developed primarily since the end of WWII, it's necessary to ask: Does America have a genuine free market in religion?

It's already obvious that loose construction of the Constitution facilitates massive collusion between market and government, thereby generating massive market distortions that are profoundly uncharacteristic of a genuinely free market. Does this lack of a free market in other spheres necessarily mean that there is also no free market in religion? No, but there is other evidence to prove that there is no free market in religion in America. The fact that practically every church is a 26 USC § 501c3 entity should be sufficient evidence to convince even the obstinate that there is no free market in religion in America. So the globalists' hypothetical argument that Christians should accept their diminished role in society because Christianity is simply not as desirable in the free market as other ideological systems and religions, simply doesn't withstand examination, because this is not a genuinely free market. Under the present loose-construction, positive-law, administrative-state system, the globalists' impact on the visible Church through laws, politics, and economics is

not a function of the free market, but of an extremely corrupt social superstructure. Laws, politics, and economics are massaged through opinion-molding processes, which include educational systems, churches, news media, and entertainment media. Through these and other means, the Babel builders have been promoting extra-biblical religions and ideologies, including scientism. As already indicated, the globalists hate the literal, strictly construed Constitution, and they hate biblical Christianity, so they'll promote practically anything as an alternative. So they promote paganism, Buddhism, Hinduism, Islam, communism, socialism, fascism, and practically every other ideology or religious system, specifically for the sake of undermining Bible-based Christianity and the *metaconstitutional* system that it nurtures. But their favorite alternative is scientism. Scientism is crucial to the globalists' world-takeover plans, because it has the capacity to incorporate crucial aspects of practically all the world's religions, and at the same time to foster the delusion that scientism is the source of all technological power. The globalists generally believe that such a combination of ideologies could drive biblical Christianity and the *metaconstitution* into obscurity. It's therefore crucial to pay special attention to scientism in the process of developing ideological weapons with which to defend the visible Church.

At the core of scientism is a somewhat warped view of what constitutes the scientific method. In order to distinguish science from scientism, it's necessary to understand what constitutes science at its core. So after focusing first on what constitutes genuine science, this section will focus on how scientism warps it.

(1) What Is Genuine Science?

Although the word "science" at its roots in ancient Greek and Latin, merely means "knowledge", especially knowledge gained through some parsing process, since about the 14th century, it has come to refer to a systematic process of observing phenomena in the **physical** field of perception and action, inducing hypotheses about the secondary causes at work in such phenomena, and concocting tests by which such hypotheses can be proved or disproved. By itself, this appears to be a relatively benign process that should have no inherent conflict with biblical Christianity. It is merely a process of discovering the secondary causes of given effects. Even though it's facially benign, problems arise in the interpretation of phenomena and the systematic induction of hypotheses and explanations, because these interpretations, inductions, and explanations could conflict with Scripture. In keeping with the fact that science is necessarily a systematic process, during Isaac Newton's lifetime, science was called "natural philosophy", meaning philosophy for systematically explaining natural phenomena. The fact that science inevitably involves philosophy opens up the possibility for introducing interpretations, explanations, and hypotheses that inherently conflict with Scripture. In order for science and Scripture to be

rationally consistent, biblical hermeneutics must be held that don't inherently generate conflicts with principles induced from observation of **physical** phenomena, and, on the other hand, scientific hypotheses, explanations, and predictions must be held that don't conflict with principles induced from what's obviously in Scripture. Such consistency, both within and between these two sources of authority, requires that logic be applied equally to both biblical studies and scientific investigations. Especially since the French Revolution, which was the so-called "enlightenment" run amuck, this crack between the Bible and science has grown into a chasm, with blame to be laid on both sides for this chasm's growth. But the bulk of the blame goes to the enlightenment intellectuals, and their followers, who attempted to eliminate God and Bible from life and culture. Modern-scourge globalists are merely applying the most Bible-hating aspects of those 18th-and-19th-century philosophers' works to global conquest, using their warped conception of science as an essential feature in their arsenal.

Reformed theologians generally agree that the Bible is composed of inscripturation of special revelation, *i.e.*, of God's revelation of Himself in regard to His special plans for humanity. His special plans are summarized in Genesis 3:15, where God tells *HaSatan* (The Enemy) that the offspring of the woman would "strike your head" (**HCSB**). The rest of Scripture is dedicated to exalting God by showing how this defeat of the enemy unfolds in human history. What Scripture unfolds and describes involves a crucial aspect of the natural law. This crucial aspect of the natural law, especially as it pertains to Christ's incarnation, ministry, crucifixion, atonement, resurrection, and ascension, does not appear anywhere other than in the Bible.[1] It's vital to remember that the fall of humanity and the inherently sinful nature of humanity are both core ideas that are described in the first three chapters of Genesis. Sin is nothing more than the **psychic** and/or **physical** act of missing the natural-law mark. Although the Bible exclusively carries the message regarding this crucial aspect of the natural law, the part of the natural law revealed through special revelation, the Bible makes no pretense to being the only description of natural law in general. On the contrary, the Bible is clear that God has revealed Himself both in Scripture and in nature. That's why Reformed theologians have generally made a distinction between special revelation and general revelation, and between Bible-based theology and natural theology. Special revelation appears in Scripture, and general revelation appears in what's sometimes called "the book of nature". Natural theology attempts to discover what God is saying through the book of nature, while Bible-based theology attempts to discover what God is saying through Scripture.

1 People can search as much as they want. They won't find God's plan anywhere else, except perhaps through relatively mediocre copycats.

Science is the most powerful process ever devised by humans for the interpretation of the book of nature. But if one does not make the existence of God central to one's investigations of nature, there's no way to translate science into meaningful natural theology.[1] Because science, as natural philosophy, has its roots in ancient paganism, specifically, in ancient Greek philosophy, it's crucial to use some system of checks and balances to keep it from returning to its roots in paganism and nature worship, and to keep science, natural theology, and the Bible in agreement. For genuinely Reformed people, that task requires diligently following *sola Scriptura*. Science may constitute a valid source of authority regarding extra-biblical fact claims, but the Bible, as the ultimate, most crucial repository of God's Word, must always be the ultimate authority. This doesn't mean that Christians should stiff-arm extra-biblical fact claims; just that they should consider such claims within this larger context.

As should be evident from this booklet's **exegesis** of Genesis 1-11, the Bible interpreted in this way shows the proper way to structure society. But science does not show how to structure society. On the contrary, every attempt at building society on supposedly scientific principles has been an utter failure. Marxism provides perfect examples of such disasters. The way to structure society, as revealed through reliable biblical **exegesis**, can be refined with the help of science's interpretation of the book of nature, but if science utterly determines the structure of society, it will become a parasite aiming to kill its host society. Neither science nor natural theology have ever shown any capacity to structure society in a healthy manner. This is especially true when the society to be structured is extremely pluralistic. When genuine science is actually in the process of refining the human understanding of natural law so that such refined understanding can contribute genuinely to the creation of beneficial effects within *secular* society as a whole, then it is operating in a way that benefits humanity as a whole. When it ceases doing this, it starts running amuck.

A central purpose of philosophy, according to the ancient Greeks, was the pursuit of principles by which to unify the diversity of nature. Although this pursuit is certainly capable of bearing good fruit when it stays within reasonable bounds, it is also capable of exceeding those bounds. In fact, this pursuit is ultimately a fool's errand. As long as this process of finding principles by which to unify the diversity of nature contributes to the ***human being's need to know what he/she needs to know when he/she needs to know it***, this pursuit of unifying principles is a beneficial process. But this pursuit is ultimately a fool's errand because humans are now and will always be localized in space and time, and therefore finite, and therefore incapable of knowing everything that contributes to such unity. In other

1 This is probably why science developed in Christendom, and not in any other culture. This is not grounds for chauvinism, but for extolling God.

words, the principles that ultimately unify the diversity of nature exist in the realm of omniscience; humans are incapable of omniscience; so pursuit of such principles is ultimately a fool's errand. It's therefore imperative to accept that there are limits to the human mind that humans will never be able to overcome. These limits apply obviously to individual humans, but they also apply to human societies in general, because in the grand scheme of things, human societies are also localized in space and time. The scientific effort to push beyond existing limits of human knowledge has been extremely beneficial in many respects. On the other hand, whenever the ultimate goal of science conflicts with the ultimate goal of humanity, it's necessary for science to give way, and not the other way around. According to natural philosophers like Einstein, the ultimate goal of science is the discovery of principles that unify the diversity of nature. According to the Bible, the ultimate goal of humanity is the New Jerusalem. When these goals conflict, following the Reformed hermeneutic demands that the goals of science give way. When ***humans know what they need to know when they need to know it, so that they do what they need to do when they need to do it, so that they utterly avoid violating the natural law***, so that they are alive and active eternally, as in the New Jerusalem, then it's certain that those humans will know and accept completely their mental limitations. At that time and under those circumstances, the quest for unifying principles will be long over. Until then, human **psychic** finitude may remain a boundary with a somewhat fuzzy definition. What needs to be emphasized here is that natural philosophy's emphasis on integrating scientific theories, facts, laws, and principles must ultimately be subjugated to the Bible's higher and more all-encompassing natural laws, and to the plan for redeeming humans that is inherently there, because doing otherwise turns science and natural philosophy into a parasite killing its host society.

In the 21st century, science is usually understood to consist of the combination of the "natural sciences", the "social sciences", and the "formal sciences". The natural sciences are typically understood to study the "material world", which this booklet calls the **physical** field of perception and action. The social sciences are typically understood to study people and societies. And the formal sciences are typically understood to include logic, mathematics, statistics, theoretical computer science, game theory, decision theory, information theory, systems theory, and control theory. Some people exclude the formal sciences from the ambit of science because the formal sciences don't depend on empirical testing, but upon rational consistency. But that propensity to exclude the formal sciences from the ambit of genuine science arises mostly out of bad philosophy and really doesn't make sense, evidenced by the extent to which both classical and modern physics are dependent upon mathematics. So the formal sciences should be included within science, even though they are admittedly

more on the **psychic**, mental, intellectual, abstract, concept-formative side of the scientific process than **physical** testing. This exclusion of the formal sciences from the ambit of science is not the most unsavory misconception that people make about science in the modern age. The inclusion of the social sciences within the ambit of science is a blunder having much more debilitating ramifications. This is because the social sciences are so rife with prejudices characteristic of the worst enlightenment philosophers, and therefore have a more negative effect on society at large. This is especially true of the so-called "positivist" approaches to "social sciences", for reasons that will be apparent in the upcoming sub-section on scientism. The elimination of the "social sciences" from the ambit of science doesn't entail that entire branches of the "social sciences" are not worthy fields. Fields currently subsumed by the "social sciences", like economics, anthropology, archaeology, political science, history, jurisprudence, and others, are certainly worthy academic fields. But forcing them into the framework of the scientific method, as that method exists in the natural sciences, or into the framework of positivistic philosophy, inherently distorts them.

The formal sciences generally exist in the realm of what some philosophers, like Kant, have called the "noumenal" realm. The word "noumenon" is generally used in contradistinction to the word "phenomenon". The phenomenal realm is generally understood to be the same as the "material world" that is the object of study of the natural sciences. The noumenal realm is generally understood to be the realm of thought that is not subject to phenomenological tests. The formal sciences exist by definition in the noumenal realm. But this commitment to a rigid separation between these two realms is problematic as science advances, because this barrier between the noumenal and the phenomenal tends to shift as science advances.[1] What is in the noumenal realm at one point in time, because it is beyond empirical testing, could be in the phenomenal realm at some subsequent point in time, when testing modalities are devised. As science advances and evolves, tests of phenomena become refined. So the division between the noumenal and the phenomenal shifts, as science evolves.

Albert Einstein and Leopold Infeld implicitly offer examples of the evolution of science in their book, **The Evolution of Physics**. In the Einstein / Infeld conception

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1 The natural-supernatural dichotomy, the mind-body dichotomy, and the phenomenal-noumenal dichotomy should now be understood to have a dubious status, because the dividing line in each dichotomy is much fuzzier than has been the prevalent presumption before now. So the supposed dividing line in each of these supposed dichotomies should be understood to be more in the nature of a shifting, semi-permeable membrane, than in the nature of a dividing line. They're more like fuzzy distinctions than separations and dichotomies. — Porter, **Theodicy**, p. 67. — URL: http://BasicJurisdictionalPrinciples.net.

of the evolution of physics, referring to science as a great mystery story, they claim, "In our great mystery story there are no problems wholly solved and settled for all time."[1] So in the Einstein / Infeld conception of physics, one never reaches absolute truth, because the perception of truth is always evolving, and therefore the conceived distinction between noumenal and phenomenal is always evolving. Because physics is the most fundamental of all the sciences,[2] it's reasonable to extrapolate this conception of physics to the natural sciences in general. Science in general evolves, and the distinction between the noumenal and the phenomenal also evolves, both in physics and in the other natural sciences. Even so, it's not reasonable to think that it evolves forever. Like human perception, at any given point in time, science is imperfect, and therefore needs to improve. God's elect are destined to live in an environment in which ***each knows what he/she needs to know when he/she needs to know it, so that he/she does what he/she needs to do when he/she needs to do it, so that he/she never misses the natural-law mark***, and therefore never dies. Even if this idea is rejected in the *secular* arena, Christians should know that this is their destiny, and that there is no need for science under those ultimate circumstances. So the Einstein / Infeld conception of a perpetually evolving science is more limited than they propose. If the knowledge pertinent to living in that ultimate environment and under those circumstances isn't absolute knowledge, then that doesn't matter, because the New Jerusalem kind of knowledge is better than any kind of knowledge that science will ever have to offer, regardless of whether it's absolute or not. On the other hand, it's reasonable to assume that in divine providence, scientific knowledge may be useful to the development of that kind of New-Jerusalem knowledge. So it's reasonable to allow scientists like Einstein and Infeld their bias against absolute knowledge for the sake of divine providence.

(a) Classical Physics: In this search for what constitutes real science, as opposed to science that is used by globalists to set up their false international religion, it's important to look at it from a chronological perspective. It's important to understand where

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1 Albert Einstein, Leopold Infeld, **The Evolution of Physics: From Early Concepts to Relativity and Quanta**, 1938, Touchstone, Simon and Schuster, p. 35.

2 "Physics is not like other sciences. If you ask geologists, biologists, or astronomers to define their subject, they can point to rocks, things that slither, or twinkles in the night sky. Physicists, however, start pointing at everything around them; they are not particular." — George Musser, **Spooky Action at a Distance: The Phenomenon that Reimagines Space and Time—and What It Means for Black Holes, the Big Bang, and Theories of Everything**, 2015, Scientific American / Farrar, Straus and Giroux, 18 West 18th Street, New York 10011, p. 43.

science came from, the trajectory of its discoveries, and its current status. Because this examination of what constitutes genuine science is being undertaken for the sake of distinguishing it from the pseudo-science, scientism, which is essentially a form of religion, it's important to examine that aspect of modern science that would be most detrimental to society at large if it were distorted by the unscrupulous into such pseudo-science. That's why this short historical survey will focus on physics, because physics is the most fundamental of the natural sciences, and because modern physics is easy for the unscrupulous to distort through misinterpretation. So examining it should suffice as an example of how to distinguish genuine natural science, natural philosophy, and natural theology from science that's run amuck. Making these distinctions is essential to distinguishing science in general from scientism.

Einstein and Infeld claim that the "real beginning of physics" occurred when Galileo devised experiments to test Aristotle's theory of motion. They quote Aristotle's theory as being,

> The moving body comes to a standstill when the force which pushes it along can no longer so act as to push it.[1]

This may seem intuitively obvious, but Galileo and Newton showed that it's far from an adequate description of motion. The forces involved in ordinary motion are so intricate that they belie Aristotle's intuitive conception. Galileo and Newton essentially concluded that motion cannot be properly described without starting with the law of inertia, and then adding force to change the object's direction and velocity. Einstein and Infeld conclude that Galileo's experiments are the beginning of physics. Although the so-called "scientific revolution" is more often marked as beginning when Copernicus published his astronomical findings in 1543, which preceded Galileo's birth (1564), it's reasonable to follow the Einstein / Infeld expertise, and allow that Galileo's experiments, observations, and hypotheses mark the beginning of physics, and that science began at about the same time, even though its foundations were laid in ancient Greece. With the possible exception of the renaissance astronomers, inquiring people between Aristotle's day and Galileo's day lacked the wherewithal to devise intricate experiments like those of Galileo and Newton, so it's reasonable that physics would not begin in earnest until Galileo. The real beginning of physics is fundamental to the real beginning of science.

The beginning of science also marks the beginning of science's influence on the general human population's worldview. This impact may have been miniscule during Galileo's and Newton's lifetimes, but the success of Newton's mechanics was so huge that its impact over subsequent generations should never be characterized as miniscule. In fact, the "industrial revolution" was hugely dependent upon

1 Einstein and Infeld, p. 6.

Newton's work. Likewise, since the industrial revolution started in the 18th century, economies in all parts of what was once gladly called "Christendom", became increasingly dependent upon scientific progress. Although science, in the strict sense that excludes the "social sciences", progressed more-or-less monolithically from the 18th century forward, the various manners in which various economic systems have implemented scientific progress is far from monolithic. Such economics is a subject to be covered in the next section. The focus in this sub-section is on what genuine science is, and on the impact of science, in this restrictive sense of the word, on the worldviews of people groups who aspire to implement the technologies that arise out of such science. There are obviously time lags between scientific discoveries, conversion of such discoveries into technology, implementation of such technology within the economy, and adoption of changes in worldview that accompany such discoveries and technology. For example, Newton was dead, or close thereto, before the industrial revolution really became a major movement in England. So his scientific discoveries were made well before they started being broadly implemented as technology. Likewise, as the technology became broadly implemented, ideological assumptions in science and technology started being adopted in the economy's general population. So a question that should accompany this examination of the difference between science and scientism, and their relative impacts on society, is this: What was the impact of the discoveries of Newton and other classical physicists on general populations?

While the intention of Einstein / Infeld in writing their book was, "to sketch in broad outline the attempts of the human mind to find a connection between the world of ideas and the world of phenomena", it is the intention of this author to show the connection, in even broader terms, between their outline and the perennial truth of orthodox Christian theology. Newton was one of the principal exponents of what Einstein / Infeld call the "mechanical view". They say that the "connection between force and the change of velocity … is the basis of classical mechanics as formulated by Newton."[1] Einstein / Infeld claimed, "We are concerned only with pioneer work in science, which consists of finding new and unexpected paths of development; with the adventures in scientific thought which create an ever-changing picture of the universe."[2] That certainly describes the works of Galileo and Newton in overturning the Aristotelian conception of motion. But if this "ever-changing picture of the universe" is to be useful in building the visible Church, the natural philosopher's propensity to myopic views needs to be corrected by Christian theologians. Scientists are busy trying to discover extra-biblical facts. They are

1 Einstein and Infeld, p. 10.

2 Einstein and Infeld, p. 26.

prone to interpret those facts only well enough to go on to their next experiment. They are prone to prioritizing the pagan, gnostic agenda of finding unity in diversity above the agenda of delivering humanity from missing the natural-law mark. — It's inevitably part of the Christian theologian's job to interpret the extra-biblical facts of scientists so that they harmonize with biblical facts and orthodox interpretation. If this kind of work is not done, or is done poorly, then the works of otherwise reputable scientists are prone to being used against the biblical worldview. This doesn't mean that science and Bible are inherently inimical. It means that Christian theologians have a big job, and by God's grace, it can and will be done. This job is a necessary aspect of protecting God's people from the world's delusions.

In this arena of the Galilean / Newtonian conception of motion, there is an emphasis on "unalterable objects", as shown in the following statement from **The Evolution of Physics**:

> The great achievements of mechanics in all its branches … contributed to the belief that it is possible to describe all natural phenomena in terms of simple forces between unalterable objects.[1]

This belief in "unalterable objects", as a crucial feature of classical physics, led to the widespread popularization of a materialistic worldview, the view that the universe may be composed of irreducible matter. Philosophical materialists, with help from "enlightenment" philosophers of the French-Revolution type, used this belief to promote their doctrine that everything, without exception, can be explained in terms of matter. It's reasonable to understand this materialistic interpretation of classical mechanics as being part of what motivated the works of quasi-Christian "Higher Critics", deists, and theological "liberals" of the 18th and 19th centuries. If everything in the universe can be explained materialistically, then who needs God and the Bible? Although physics and mechanical engineering may be completely outside the realm of genuine Bible study, the industrial revolution was so powerfully influential that the visible Church could not avoid being influenced by it. So-called theological "liberalism" was therefore a natural outgrowth of this movement that saw science as a worthy alternative to biblical authority. These were the dominant social circumstances among the intelligentsia during the entire reign of classical physics in the 18th and 19th centuries. The unalterable quality of objects in classical physics undeniably provided ammunition to the arsenals of atheistic materialism. Einstein / Infeld confirm that classical physics posits this unalterable quality in their summary of "The Rise of the Mechanical View":

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1 Einstein and Infeld, pp. 53-54.

Classical Physics

> *The great results of classical mechanics suggest that the mechanical view can be consistently applied to all branches of physics, that all phenomena can be explained by the action of forces representing either attraction or repulsion, depending only upon distance and acting between unchangeable particles.*[1]

So classical physics operates only upon "unchangeable" objects and particles. While that view was promoting philosophical materialism during the 18th and 19th centuries, the 19th century also advanced a kind of physics that tended to undermine that view, and was leading to the demise of classical physics. It would take time for these new discoveries to come out of the laboratories, to be converted into new technologies, and to impact the worldviews of populations.

In describing the decline of the mechanical view, Einstein / Infeld say,

> Nearly every great advance in science arises from a crisis in the old theory, through an endeavor to find a way out of the difficulties created.[2]

While Newtonian mechanics was having its profound impact on the industrial revolution, and tangentially on society and Christian theology, investigations into electricity and magnetism were being carried out in laboratories throughout what was once gladly called "Christendom". — Although there are similarities between the force of gravitation, which had been accurately described by Newton, and the forces of electricity and magnetism, there are also big differences between gravitation and electromagnetism.

> For the first time there appears a force quite different from that to which, according to our mechanical point of view, we intended to reduce all actions in the external world.[3]

As a result of discoveries regarding electricity and magnetism, there started "a complete breakdown of the belief that all phenomena can be explained mechanically".[4]

> Very often … it is impossible to patch up an old theory, and the difficulties result in its downfall and the rise of a new one. Here it was not only the behavior of a tiny magnetic needle which broke the apparently well-founded and successful mechanical theories. Another attack … came from an entirely different angle.[5]

This "entirely different angle" pertained to the velocity and nature of visible light.

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1 Einstein and Infeld, p. 65.
2 Einstein and Infeld, p. 75.
3 Einstein and Infeld, p. 88.
4 Einstein and Infeld, p. 84.
5 Einstein and Infeld, p. 90.

During the 17th through 19th centuries, various physicists did experiments to measure the speed of light. So "the velocity of light has been determined many times, with increasing accuracy".[1] Newton's experiments led him to the conclusion that a ray of light is composed of a particle, which is why his theory is called the "corpuscular theory of light". A contemporary of Newton's, natural philosopher Christiaan Huygens, posited the "wave theory of light" about twenty-five years before Newton published **Opticks**. The corpuscular theory was dominant over the wave theory until about the middle of the 19th century. Some experiments tend to verify the corpuscular theory, while others verify the wave theory. Neither has ever been completely disproved, although the wave theory has been recognized as generally having greater explanatory power. This is in spite of the fact that the wave theory was presumed to have required an "ether" through which waves of light can propagate. In the same way that water waves require water as a host for the waves, and sound requires air as a host for its propagation, it's been presumed that light waves must have some host for their propagation. The host has historically been called the ether. But all tests to prove the existence of the ether have failed to do so.

The peculiarities of electric and magnetic fields, along with inadequacies in mechanical theories of light, combined to undo the belief that the mechanical view could be successfully applied to all branches of physics. It became evident that all phenomena cannot be explained by the action of forces upon unchangeable particles.

> In the attempt to understand the phenomena of nature from the mechanical view, … it was necessary to introduce artificial substances like electric and magnetic fluids, light corpuscles, or ether. The result was merely the concentration of all the difficulties in a few essential points, such as ether in the case of optical phenomena. Here all the fruitless attempts to construct an ether in some simple way, as well as the other objections, seem to indicate that the fault lies in the fundamental assumptions that it is possible to explain all events in nature from a mechanical point of view. Science did not succeed in carrying out the mechanical program convincingly, and today [1938] no physicist believes in the possibility of its fulfillment.[2]

So the big question becomes, if the mechanical worldview, which had been adopted to a huge extent in Christendom, and even in Christian theology, was no longer tenable, then what would take its place? On planet Earth, nature appears to hate vacuums,

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1 Einstein and Infeld, p. 93.

2 Einstein and Infeld, pp. 121-122.

so if the mechanical view is abandoned, something will surely take its place. What is it? While the mechanical view held that some objects are "unalterable", perhaps it's necessary to entertain the possibility that this is an inadequate assumption, and that all material objects are alterable, by providence if not by humans.

The emphasis in classical physics was on forces acting on particles. But the study of electricity and magnetism required a different way of thinking and a different language, specifically, the "new language of fields": "'The change of an electric field is accompanied by a magnetic field.'" And, "'The change of a magnetic field is accompanied by an electric field.'"

> The attribution of energy to the field is one step further in the development in which the field concept was stressed more and more, and the concept of substances, so essential to the mechanical view, were more and more suppressed.[1]

So even while the mechanical view helped generate bad theology that was being propagated throughout Christendom in the 19th century, physicists in laboratories were working diligently to develop an alternative to the mechanical view.

> The … mathematical description of the laws of the field is summed up in what are called Maxwell's equations. …
>
> The formulation of these equations is the most important event in physics since Newton's time, not only because of their wealth of content, but also because they form a pattern for a new type of law.
>
> The characteristic features of Maxwell's equations, appearing in all other equations of modern physics, are summarized in one sentence. Maxwell's equations are laws representing the *structure* of the field.[2]

This is really a change in mindset, from a comfortable materialistic mindset to an unfamiliar mindset in which electromagnetic fields are more fundamental than presumably "unalterable objects".

> Maxwell's equations describe the structure of the electromagnetic field. All space is the scene of these laws and not, as for the mechanical laws, only points in which matter or charges are present.[3]

Although this electromagnetic view may have replaced the mechanical view as the most fundamental view of **physical** reality, during the days of the development of

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1 Einstein and Infeld, p. 142.

2 Einstein and Infeld, pp. 142-143.

3 Einstein and Infeld, p. 146.

Maxwell's equations, and for some time thereafter, the field-based outline of reality was not fleshed out adequately enough for people to escape the materialistic worldview that had been inherently promoted by classical physics. "In Maxwell's theory there are no material actors."[1] Because humans have material bodies, it should be no surprise that it may take them a long time to adjust to Maxwell's world, regardless of how many gadgets may come out of it to entice them into it.

Experiments have verified that the velocity of an electromagnetic wave is the same as the velocity of light. In fact, experiments verify that light is an electromagnetic wave. Einstein / Infeld claim that, "The theoretical discovery of an electromagnetic wave spreading at the speed of light is one of the greatest achievements in the history of science."[2] In fact,

> the only difference between an ordinary electromagnetic wave and a light wave is the wave-length: this is very small for light waves … and great for ordinary electromagnetic waves … [3]

This shows the integration of facts from classical experiments into the new field framework. The facts of classical physics were not negated, but integrated into a larger framework.

While Maxwell's theory acted in many ways to replace the mechanical theory, it was not the only theory that arose to fill the vacuum left by the inadequacies of the classical framework. While Maxwell's equations represent field theory, Einstein's theories represent relativity. These two sets of theories acted to partially fill the vacuum left by the deficiencies of classical physics.

Contrary to sophomoric attempts at popularizing Einstein's theory of relativity, Einstein was not expounding moral relativism. To represent physical facts mathematically, physicists have generally used a frame of reference called a "co-ordinate system". A typical co-ordinate system is essentially a Cartesian plane, except that it occupies three spatial dimensions instead of two. Einstein's relativity was essentially an improvement over Galileo's relativity principle. The Galilean relativity principle states that "*if the laws of mechanics are valid in one CS [(co-ordinate system)], then they are valid in any other CS moving uniformly relative to the first.*"[4] Although Einstein's special theory of relativity is certainly more complex than can be described here, and certainly has implications well beyond this, it is dedicated largely to describing how to transform a description of a physical event that appears

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1 Einstein and Infeld, p. 146.

2 Einstein and Infeld, p. 149.

3 Einstein and Infeld, p. 151.

4 Einstein and Infeld, p. 158.

in one co-ordinate system to another co-ordinate system, so that the laws of nature reflected in one co-ordinate system are reflected in the other. So Einstein upgraded the classical transformation (for transforming one co-ordinate system into another) by using better transformation methods. So his theory is essentially about how such co-ordinate systems can be transformed and related to one another under the circumstances described by Maxwell's field equations. Largely because of the complexities surrounding the observation of time and the speed of light, it was necessary to abandon the Galilean relativity principle.

To conform to experimental facts, Einstein's theory starts with these two assumptions:

> 1. *The velocity of light* in vacuo *is the same in all CS [(co-ordinate systems)] moving uniformly relative to each other.*
> 2. *All laws of nature are the same in all CS moving uniformly, relative to each other.*[1]

These assumptions of relativity theory replace the classical transformation. So on this relativity front also, the mechanical worldview is superseded by further considerations. But the implications of relativity are only dramatic under unusual circumstances, like when bodies approach the speed of light. Under more ordinary circumstances, the classical transformation is adequate. It's important to note that, "From the point of view of the relativity theory a material body cannot have velocity greater than that of light. The velocity of light forms the upper limit of velocities for all material bodies."[2] — "The old mechanics is valid for small velocities and forms the limiting case of the new one."[3]

One important conclusion of the theory of relativity is that "there is no essential distinction between mass and energy. Energy has mass and mass represents energy. This is represented in the famous equation, $e=mc^2$. "What impresses our senses as matter is really a great concentration of energy into a comparatively small space."[4] This fact is important in the formation of the human body, and in the formation of matter in general, from elementary standing waves.[5]

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1 Einstein and Infeld, p. 177.

2 Einstein and Infeld, p. 192.

3 Einstein and Infeld, p. 193.

4 Einstein and Infeld, pp. 242-243.

5 As described in Porter, **Theodicy**, Part I, "Science and Bible". — URL: http://BasicJurisdictionalPrinciples.net.

> The old energy-substance [dichotomy] is the second victim of the theory of relativity. The first was the medium through which light waves were propagated [(the ether)].
>
> The influence of the theory of relativity goes far beyond the problem from which it arose. It removes the difficulties and contradictions of the field theory; it formulates more general mechanical laws; it replaces two conservation laws by one; it changes our classical concept of absolute time. Its validity is not restricted to one domain of physics; it forms a general framework embracing all phenomena of nature.[1]

In spite of all these advances, physics, in 1938, and up to the present, cannot completely dispense with the concept of matter. It's clear that, contrary to classical mechanics, "We cannot build physics on the basis of the matter-concept alone."[2] On the other hand, is it possible to build physics on the concept of field alone? According to Einstein / Infeld, this is certainly a worthy goal. But it was a goal that was out of reach in 1938, and it's a goal that's still out of reach now. This is because of the following:

> Our ultimate problem would be to modify our field laws in such a way that they would not break down for regions in which the energy is enormously concentrated.[3]

As a result of the fact that the realm of the earthbound human is a region "in which the energy is enormously concentrated", being bound up in matter as it is, it's necessary for physicists to "assume in all our actual theoretical constructions two realities: field and matter."[4]

In passing, it's important to emphasize again that physicists, and genuine scientists in general, are focused on finding solutions to problems in their chosen field; so they usually have an only secondary interest in being genuine natural philosophers, people who devise rational and holistic explanations for phenomena in a way that brings unity to diversity. That's why most scientists, since, say, about 1938, are proud of being specialists who rarely attempt to find interdisciplinary unity. With few exceptions, they are focused on discovering the laws of nature in operation in their special field, and they generally care little about integrating their work into the larger framework. When lack of integration of these extra-biblical facts propagates throughout society, with the help of technological advances in society, they tend to promote social fragmentation to match the fragmentation

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1 Einstein and Infeld, pp. 198-199.

2 Einstein and Infeld, p. 242.

3 Einstein and Infeld, p. 243.

4 Einstein and Infeld, p. 243.

in science. The same way science becomes compartmentalized, society in general tends to become compartmentalized. Even though this is true, natural philosophers up to and including Albert Einstein were often sympathetic to the need to integrate their findings, laws, and theories into the larger framework. That's why Einstein was focused on a "unified field theory" to integrate all of physics. But his difficulties in that arose not so much out of field theory or relativity theory, but out of quantum theory. For reasons that will be evident shortly, quantum theory took the physics community, and the worldwide community of genuine scientists in general, even further away from societal integrity. Because of this, it's reasonable to look on Albert Einstein as the last of the natural philosophers. Physicists after Einstein, especially those focused on quantum mechanics, would tend to hold philosophy in low regard.[1] They tended to stop being natural philosophers, and they tended to become so focused on technical issues that they tended to lose sight of the philosophical problem of finding unity in diversity. Even though quantum mechanics has been crucial to the technological advances of the 20th and 21st centuries, genuine understanding of it, even among renowned quantum physicists, is rare to non-existent. They may know what it says mathematically, but they clearly do not understand how to integrate quantum physics into the larger realm of nature.

(b) Quantum Physics: Einstein / Infeld have this to say about what quantum theory is:

> If we had to characterize the principal idea of the quantum theory in one sentence, we could say: *it must be assumed that some physical quantities so far regarded as continuous are composed of elementary quanta*.[2]

The difference between continuous and discontinuous can be seen if one thinks of shoveling sand. If one measures the sand in the process of moving it, one could

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1 This is evident by the fact that Niels Bohr was hugely responsible for constructing quantum mechanics, and his construction of it was hugely dependent upon what he called the "principle of complementarity". He believed this principle was poorly understood by professional philosophers. Maybe they didn't understand him. But maybe he didn't understand them. — Edward MacKinnon, "Bohr on the Foundations of Quantum Theory", **Niels Bohr: A Centenary Volume**, editors, A.P. French and P.S. Kennedy, 1985, Harvard University Press, Cambridge, Massachusetts, pp. 101-120. — Furthermore, "Bohr was reputed to have a sign over the door of his laboratory saying 'work in progress – philosophers keep out'". — Ervin Laszlo, **The Interconnected Universe: Conceptual Foundations of Transdisciplinary Unified Theory**, 1995, World Scientific Publishing Co. Pte. Ltd., p. 51.

2 Einstein and Infeld, p. 251.

measure it by the shovel full, by the cup, by the tablespoon, by the teaspoon, *etc.*, down to moving one grain of sand at a time. The sand has a continuous character up to the point at which one is counting grains. The grain is the smallest possible unit in such a sand-measuring operation, so when one reaches grains after moving larger quantities, the sand measuring shifts from being continuous to being discontinuous. So "the discontinuous character of a quantity … can be detected by increasing the precision of our measurements."[1]

> [S]ome quantities can change continuously and others can change only discontinuously, by steps which cannot be further decreased. These indivisible steps are called the *elementary quanta* of the particular quantity to which they refer.[2]

More to the point than sand is the measurement of molecules. A molecule of hydrogen is composed of two hydrogen atoms, and has been measured to have a specific mass. So if one is measuring a quantity of hydrogen, such a molecule is the elementary quantum of such a measuring process.

When classical physicists were examining electricity, they considered it continuous, evidenced by the fact that they called it "electric fluid". The quantum of this fluid was discovered and called the "electron". So "the atomic and electronic theories introduce into science discontinuous physical quantities which can vary only by jumps".[3] Physicists have measured the mass of an electron and found it "to be about *two thousand times smaller* than the mass of a hydrogen atom."[4] It's also been discovered that atoms are composed of subatomic quanta, specifically, electrons, protons, and neutrons. Combining this fact with Einstein's energy-matter equivalency, it must be true that all matter is energy, and all matter that is easily recognizable by human beings, unlike raw energy, is composed of electrons, protons, and neutrons. So the compression of these subatomic particles into atoms is the way that energy is concentrated to make matter that's readily perceivable by humans.

It was discovered experimentally that light waves of a certain frequency hitting certain kinds of substances could cause the emission of electrons from the substance. This is called the "photoelectric effect". This is not dependent upon the intensity, or overall energy, of the light, but strictly upon the wavelength. Einstein's description of this effect in 1905 earned him the Nobel Prize in 1921. The wave theory of light did not predict this effect, because the wave theory tends to be on the continuous side. In keeping with Newton's corpuscular theory, Einstein theorized that light

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1 Einstein and Infeld, p. 251.

2 Einstein and Infeld, p. 250.

3 Einstein and Infeld, p. 254.

4 Einstein and Infeld, p. 255.

quanta, photons, of a specific frequency cause the emissions of the electrons. This led to the quantum theory of light, which was one of the factors prompting the so-called "quantum revolution".

> [L]ight is a shower of photons, and the photon is the elementary quantum of light energy. If … the wave theory is discarded, the concept of a wave-length disappears. What new concept takes its place? The energy of the light quanta! Statements expressed in the terminology of the wave theory can be translated into statements of the quantum theory of radiation.[1]

Because of the dual wave-particle nature of light, the kind of phenomenon described in the photoelectric effect can be described in two different ways, according to wave theory and according to quantum theory. From the perspective of the wave theory, "Homogeneous light has a definite wave-length. The wave-length of the red end of the spectrum is twice that of the violet end." The same statement from the perspective of the quantum theory is this: "Homogeneous light contains photons of a definite energy. The energy of the photon for the red end of the spectrum is half that of the violet end."[2]

This dual wave-particle nature of light can be summarized like this:

> [T]here are phenomena which can be explained by the quantum theory but not by the wave theory. Photo[electric]-effect furnishes an example. … There are phenomena which can be explained by wave theory but not by the quantum theory. The bending of light around obstacles is an example. Finally, there are phenomena, such as the rectilinear propagation of light, which can be equally well explained by the quantum and the wave theory of light.
>
> … There seems no likelihood of forming a consistent description of light by a choice of only one of the two possible languages. It seems as though we must use sometimes the one theory and sometimes the other, while at times we may use either. We are faced with a new kind of reality; separately neither of them fully explains the phenomena of light, but together they do![3]

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1 Einstein and Infeld, p. 262.

2 Einstein and Infeld, p. 262.

3 Einstein and Infeld, pp. 262-263. — This has apparently become a favorite statement of Bohr's Principle of Complementarity. — URL: https://en.wikipedia.org/wiki/Wave-particle_duality, retrieved 18 December2017.

This predicament is not confined to light. It also "appears when dealing with quanta of matter".[1]

In modern physics, things like heat and light are considered to be energy, but something like an electron is considered to be matter. While a photon is a quantum of energy, an electron is a quantum of matter. While experiments have proven that a photon can be described as a wave, other experiments have proven that an electron can also be described as a wave. So matter waves exist. "The electron behaves like a particle when moving in an external electric or magnetic field. It behaves like a wave when diffracted by a crystal."[2]

One of the great advantages of classical mechanics was that if one knew the position and velocity of a material point, and also the external forces acting thereon, one could predict that point's subsequent path. But this is not possible on a particle-by-particle basis because, among other things, of the wave-particle nature of quanta. Physicists resort to experiments with crowds of quanta, rather than with one quantum at a time. It has been necessary for them to resort to "the *method of statistics*". "What we seek to determine are average values typifying the whole aggregation."[3]

> By applying the statistical method we cannot foretell the behavior of an individual in a crowd. We can only foretell the chance, the *probability*, that it will behave in some particular manner.[4]

As emphasized elsewhere, chance is really not something that exists in nature. That's because God is sovereign over the entire universe. There are therefore "no maverick molecules", as R.C. Sproul put it. Sources indicate that Einstein expressed a similar idea on numerous occasions by saying, "God doesn't play dice."[5] This leads inevitably to the conclusion that chance doesn't exist in the exogenous or endogenous legs of the natural law. Even though every Bible-believing Christian should be convinced that this is true, that chance doesn't exist in nature, there is nevertheless a place for mathematical probabilities in the human mind, *i.e.*, in the formal sciences. Probabilistic mathematics is a useful concoction of the human mind

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1 Einstein and Infeld, p. 265.

2 Einstein and Infeld, p. 279.

3 Einstein and Infeld, p. 283.

4 Einstein and Infeld, p. 284.

5 Although it may appear that Sproul and Einstein meant the same thing, namely, that God is sovereign and has therefore predetermined everything, including every human's thoughts, speech, actions, and choices, it's probably not safe to attribute this belief to Einstein. It's probably safer to assume that Einstein's God was the god of Aristotle, the prime mover of all things, but not the personal God of the Bible.

for circumventing inadequacies in human perception. But it doesn't exist in nature, but only in the mind. This is a necessary and inevitable outcome from accepting the sovereignty of God. In fact, if God does not have this kind of sovereignty, then God is not God. Reliable Christian doctrine demands that God be utterly sovereign, and that chance does not now, never has, and never will exist in nature. With this firmly understood, it's possible to make allowances for human disabilities, and to allow for this recourse to chance and probabilities in physics, and anywhere else such statistical methods are needed. Making this allowance has been necessary for quantum physics to continue. Making this allowance should not be understood to be an act of trying to throw God off His throne. That's what believing that chance exists in nature does.

According to Einstein / Infeld, "Quantum physics deals only with aggregations, and its laws are for crowds and not for individuals."[1]

> We have to forsake the description of individual cases as objective happenings in space and time; we have had to introduce laws of a statistical nature. These are the chief characteristics of modern physics.[2]

As a result of this situation,

> the equations of quantum physics determine the probability wave [of quanta] just as Maxwell's equations determine the electromagnetic field and the gravitational equations determine the gravitational field. … [T]he meaning of physical concepts determined by these equations of quantum physics is much more abstract than in the case of electromagnetic and gravitational fields; they provide only the mathematical means of answering questions of a statistical nature.[3]

Earlier in their book, Einstein / Infeld referred to the use in classical physics of statistical methods in the development of the "kinetic theory of matter".[4] In classical physics, the kinetic theory of matter is the belief that matter is composed of a large number of small particles that are in constant motion. Evidence supporting this theory was discovered by a botanist named Brown who, using a microscope, observed "the unceasing agitation of the granules [of pollen] when suspended in water".[5] Physicists theorized that this "agitation", this "Brownian motion", was caused by the random bombardment of the pollen particle by molecules. They described Brownian

1 Einstein and Infeld, p. 286.

2 Einstein and Infeld, p. 287.

3 Einstein and Infeld, p. 289.

4 Einstein and Infeld, pp. 58-62.

5 Einstein and Infeld, p. 59.

motion as obeying statistical laws that govern the aggregation, where the statistical laws operated on the basis of individual laws governing individual molecules. In contrast to this use of statistical methods in describing Brownian motion, quantum mechanics largely abandoned recognition of individual laws governing individual particles. "But in quantum physics the state of affairs is entirely different. Here the statistical laws are given immediately. The individual laws are discarded."[1] In sympathy to Einstein, this extreme act of embedding statistical, probabilistic laws into mathematical descriptions of exogenous reality make it extremely difficult to carry on the natural philosopher's agenda of seeking unity in the diversity of the **physical** universe. In sympathy to Bohr and the other founders of quantum mechanics, the "kinetic theory of matter" that arises in classical mechanics from Brownian motion did not need to deal with the dual wave-particle nature of the molecules involved in Brownian motion.

In sympathy to Einstein, it must be admitted that he's right when he says that there is

> no doubt that quantum physics must still be based on the two concepts: matter and field. It is, in this sense, a dualistic theory and does not bring our old problem of reducing everything to the field concept even one step nearer realization.[2]

It's reasonable to sympathize with Einstein's quest to integrate all of physics into a "unified field theory", and thereby satisfy the natural philosopher's zeal for finding unity amidst diversity. He's right to go further in claiming that,

> Science is not just a collection of laws, a catalogue of unrelated facts. It is a creation of the human mind, with its freely invented ideas and concepts. Physical theories try to form a picture of reality and to establish its connection with the wide world of sense impressions. Thus the only justification for our mental structures is whether and in what way our theories form such a link.[3]

There's probably no doubt that a genuine natural philosopher would agree that "the only justification for our mental structures is whether and in what way" they link to the exogenous domain that impresses itself on human senses. This discovery of one-to-one correspondence between the endogenous image of what exists exogenously, and the actual exogenous phenomenon, is absolutely crucial to the human being's capacity to conform to the natural law. But people who refuse to accept that God

1 Einstein and Infeld, p. 286.

2 Einstein and Infeld, p. 293.

3 Einstein and Infeld, p. 294.

exists, that the eternal law exists, or that the natural law exists, could probably not care less about whether this linkage exists or not. Perhaps they think that money and power are God. Or perhaps they take any number of other things as God. Their lack of integrity will ultimately fail them, and to whatever extent humans in general adopt this lack of integrity as a moral standard, their lives will be harmed. Einstein / Infeld continue their concluding remarks by saying:

> With the help of physical theories we try to find our way through the maze of observed facts … Without the belief that it is possible to grasp the reality with our theoretical constructions, without the belief in the inner harmony of our world, there could be no science.[1]

Although quantum mechanics has proven itself powerful and true on numerous fronts, and should be understood as being fundamental to the proliferation of technology that has blessed the world since WWII, it's also responsible for nuclear weapons, and for many other features of the modern world that have dubious value. So it may be reasonable to wonder if the bad side of quantum mechanics is embedded in the theory as much as the good side. On the other hand, the bad side might not exist in quantum mechanics at all, but in the inherent difficulty in interpreting it. The fact that Christian quantum physicists are rare, while Hindu, Buddhist, Taoist, agnostic, and atheistic quantum physicists are more the rule than the exception, is evidence that the fault is with the interpretation rather than with quantum mechanics, *per se*. Given that the book of nature is as much God's as the book of His special revelation, the two should be rationally consistent. The fact that the people working in quantum mechanics on a day-to-day basis are so far removed from such consistency is evidence that either quantum mechanics is wrong, and needs correction, or quantum physicists' interpretations of quantum mechanics are wrong. Given the resounding physical success of the theory, regardless of interpretation, it's most likely that interpretations are wrong. This is probably why a whole new field of philosophy has developed dedicated to interpreting what quantum physicists seem so unable to interpret, the field being the philosophy of quantum mechanics.

Because quantum mechanics tends to defy rational interpretation, it defies "the attempts of the human mind to find a connection between the world of ideas and the world of phenomena".[2] Quantum physicists may be familiar with the math pertinent to their work, but if they are unable to explain the implications of such mathematics in philosophical terms, then they are allowing their field of study to turn socially parasitic by exporting scientific fragmentation out of their laboratories,

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1 Einstein and Infeld, p. 296.

2 Einstein and Infeld, p. 10.

and allowing it to fester as social fragmentation. Producing gadgets and doodads isn't good enough because it doesn't deter the fragmentation; producing nuclear weapons isn't good enough because it doesn't teach anyone how to avoid using them; and producing technological traps through which to enslave human populations for the sake of global government, as globalists are predisposed to do, certainly is not good enough. Physicists need to be able to explain what they're doing in philosophical terms that communicate well to the intelligent tax payer. Otherwise, why should the tax payer pay for anything such physicists do? Claiming that they're searching for the "God Particle" certainly shouldn't sway anyone to pay for anything.[1]

In this cursory examination of the natural sciences in general, and of physics in particular, it's critical to bear certain things in mind: (i)Science, including physics, has never, and never will, provide reliable legal principles upon which to build society. Among other things, this is because science does not take the existence of God as a guiding principle, which is a prerequisite to accepting that natural law demands that humans are created in the image of God, and therefore have natural rights. This attribute of the natural law cannot be seen to arise out of nature by way of the scientific method, and therefore cannot be seen to exist in the book of nature without substantial assistance from the book of special revelation. (ii)There are limits to the agenda of finding unifying principles by which to harmonize the diversity of nature, and these limits exist because humans are inherently finite, meaning localized in space and time even if living eternally. (iii)Neglect by scientists to explain the philosophical ramifications of their research is an invitation to elimination of all goodwill funding of such research.

As government has grown huge in America, it has taken over much of the research funding.[2] So most professional scientists in America are dependent upon funds stolen from tax payers, and those who aren't dependent on tax coffers are generally funded by corporations and foundations that bask in loose-constructionist

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1 Physicists may dislike having their famed "Higgs boson" called the "God Particle" by non-physicists. But there appear to be ample reasons to believe that these physicists are making false gods with their research. They should be grateful that they are not skewered on pikes for taking vast billions from tax-payer coffers to pay for projects like the Large Hadron Collider.

2 From the National Science Foundation website: "With an annual budget of $7.5 billion (FY 2016), we are the funding source for approximately 24 percent of all federally supported basic research conducted by America's colleges and universities. … We fulfill our mission chiefly by issuing limited-term grants – currently about 12,000 new awards per year … In the past few decades, NSF-funded researchers have won some 223 Nobel Prizes as well as other honors too numerous to list." — URL: https://www.nsf.gov/about/glance.jsp, retrieved 2 January 2018.

corruption. Given that there will be some point in the future at which the natural-rights polity and *metaconstitution* are widely implemented, these science-funding circumstances will change radically. *Secular* governments will no longer fund science, and loose-constructionist corruption will shift entirely to the black market. So from where will scientists get their funding? There's no doubt that many generous people will want to voluntarily help fund genuine science. Scientists who do not explain their research in philosophical terms will then be treated as quacks. That would put almost all of the modern physics researchers out of work. On the other hand, if they return to being genuine natural philosophers, they're much more likely to find voluntary funding sources. So one of the characteristics of genuine science is that it consists of natural scientists and formal scientists who can interface with philosophers and intelligent funders in such a way as to make the funders want to fund them. This is a necessary characteristic of genuine science as it will exist in the *secular* arena at large. So the trend that started several decades ago, towards ending the schism between science and philosophy, must continue. This is a kind of minimal requirement that should be sufficient to make science fundable within the *secular* arena under the *metaconstitution*. But there is a more specific question regarding what kind of genuine science Reformed Christians should fund. The rest of this sub-section is dedicated to discerning the kind of genuine science that Reformed Christians should fund, with physics as the exemplar. Investigating this subject should show more thoroughly what constitutes genuine science.

(c) Towards a Reformed-Compatible Interpretation: For Reformed Christians to be interested in funding physics research within the sub-field of quantum mechanics, the interpretation of quantum mechanics should be rationally consistent with Reformed theology. This requires that the research be describable in philosophical terms. It also requires that it be amenable to the existence of God, if not to the personal God of the Bible, then at least to Aristotle's prime mover. It also requires that in addition to being amenable to the existence of God, it should be completely amenable to the sovereignty of God. This means that it should be amenable to predestination, and to soft determinism, *i.e.*, to compatibilistic determinism that allows free choice and moral accountability, but rejects both metaphysical determinism and metaphysical libertarianism.[1] These requirements cannot be

1 Popular definitions: (i)metaphysical determinism: "a view which holds that determinism is true, and that it is incompatible with free will, and, therefore, free will does not exist"; (ii)determinism: "the philosophical position that for every event there exist conditions that could cause no other event"; (iii)metaphysical libertarianism: "free will is logically incompatible with a deterministic universe and … agents have free will, and … ,

satisfied by most modern interpretations of quantum mechanics. But that doesn't mean that there's no hope on this front.

As indicated already, what is deterministic in the compatibilistic sense, because God has ordained it in a way that is compatible with human free choice and moral accountability, may appear to be utterly random to human beings. This is because humans are localized in space and time and therefore have limits on their perception that God doesn't have. Humans resort to probabilistic calculations in order to at least partially overcome their disabilities in regard to perception of randomness. Quantum mechanics is understood by practically everyone who's gotten involved in it to be an almost utterly indeterministic and probabilistic endeavor. A fundamental problem exists when quantum physicists get confused about where that randomness exists. Because of human perceptual disabilities, it exists in the physicist's perception and mind. The instant the physicist entertains the possibility that the randomness exists exogenously, *i.e.*, in nature rather than exclusively in his/her own noggin, he/she is entertaining the thought that God doesn't exist, at least that God doesn't exist in that particular microscopic realm. So this projection of randomness and indeterminism onto the exogenous realm is a characteristic of atheism, and a gross deviation from theism. The fact that a principal founder of quantum mechanics, Niels Bohr, was an avowed atheist, should alert everyone interested that he probably embedded his atheistic bias into the so-called "Copenhagen interpretation", which is still the most popular interpretation among the vast majority of quantum physicists. If interpreters of quantum mechanics could remember that even pagans like Aristotle believed in God, in his special pagan way, through his belief in the prime mover, the first cause, perhaps they wouldn't find God and determinism so repulsive that they couldn't conceive of an approach to interpretation that wasn't inherently against theism.

In a blog post about his article in **Scientific American**, the author of the article, George Musser, indicated that in 1944, Max Born wrote a letter to Albert Einstein saying, "'I cannot understand how you can combine an entirely mechanistic universe with the freedom of the ethical individual … To me a deterministic world is quite abhorrent—this is a primary feeling.'"[1] This essentially shows the crux of all these

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therefore, determinism is false"; and (iv)free will: "the ability to choose between different possible courses of action unimpeded". — URL: (i)https://en.wikipedia.org/wiki/Hard_determinism; (ii)https://en.wikipedia.org/wiki/Determinism; (iii)https://en.wikipedia.org/wiki/Libertarianism_(metaphysics); and (iv)https://en.wikipedia.org/wiki/Free_will. — Each retrieved 2 January 2018.

1 George Musser, "Critical Opalescence" blog, "The Universe Is a Big Layer Cake". — URL: http://spookyactionbook.com/2015/09/03/the-universe-is-a-big-layer-cake/, retrieved

interpretational problems. It isn't in physics. It's in fundamental religious and philosophical proclivities like those revealed in the free will / determinism debates. Until this kind of bias is eliminated from modern physics, modern physics will continue producing gadgets, weaponry, and philosophical confusion. — In his blog, Musser starts his post by saying the following:

> Is the universe deterministic or indeterministic? A clockwork or a craps table? In this month's issue of *Scientific American*, I have an essay arguing that the answer is: both. The world can be deterministic on some levels and indeterministic on others; these two categories are not mutually exclusive. To me, this is the essence of Einstein's critique of the orthodox Copenhagen Interpretation of quantum mechanics. Einstein recognized that quantum indeterminism could perch atop a deeper deterministic layer and, given the theory's loose ends, seemed to have to.[1]

The name of Musser's post is "The Universe Is a Big Layer Cake". He's obviously claiming that one layer of the universe is deterministic while the other layer is indeterministic. His view is that the classical layer in which humans ordinarily live is deterministic, while the quantum layer is indeterministic. This approach to interpreting quantum mechanics essentially follows the facts inherent in the difference between classical physics and quantum physics. Classical physics is deterministic and is not particularly dependent upon probability calculations. This kind of determinism has a bias towards materialism that's inherently embedded in classical mechanics through its presumption of "unalterable objects". In contrast, quantum physics is almost entirely dependent upon probabilities and statistics. So Musser's evaluation of the circumstances never leaves the arena of human perception to consider the sovereignty of God over the behavior of the minutest particle. By claiming that the universe is a layer cake that combines determinism and indeterminism, he essentially evades the thought that is apparently so repugnant to modern scientists, the thought that God exists and is by definition utterly sovereign. Whether Musser is right about Einstein's critique of the Copenhagen model or not, is a subject that should probably stay outside the scope of this booklet, since it depends upon how fervently Einstein

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2 January 2018. — George Musser, "What Einstein Really Thought about Quantum Mechanics", **Scientific American**, September 1, 2015. — URL: https://scientificamerican.com/article/what-einstein-really-thought-about-quantum-mechanics/, retrieved 2 January 2018.

1 Musser, "Critical Opalescence", "The Universe Is a Big Layer Cake". — URL: http://spookyactionbook.com/2015/09/03/the-universe-is-a-big-layer-cake/, retrieved 2 January 2018.

believed in the sovereignty of God, which is hard to say. Even so, it's doubtful that Einstein would have been satisfied with Musser's layer cake.

Because quantum physicists have been running up against perceptual and observational limitations that have demanded that they resort to probabilities and statistics, it should help to emphasize the inherent attributes of such probabilistic calculations. Such calculations are a mere gloss over human ignorance. To show more thoroughly why this is so, it should help to repeat a classical thought experiment presented by R.C. Sproul on numerous occasions. Sproul would encourage his audience to imagine a coin toss. If one knew all the hidden variables involved in determining the outcome of the toss, one could predict the outcome of the toss every single time, without error, by using classical calculations. For example, if one knew the torque given the coin by the thumb, the upward velocity of the hand at the time of the toss, the trajectory inherent in the instant the coin was released, wind speed, the nature of the surface upon which the coin would land, and probably numerous other things, then one could calculate, and thereby deterministically predict, the outcome of every toss without error. But people don't know all these things before a coin toss. So people necessarily resort to the indeterminate, 50-50 probability to make the call. — Sproul's thought experiment demands recognition of the distinction between natural laws operating exogenously and endogenous attempts at modeling such exogenous phenomena. The marvelous thing about classical physics is that its endogenous models match the exogenous real world so thoroughly. But this marvelous matchup ends where hidden variables necessarily exist and cannot be ascertained. That's when humans have no choice but to either abandon the modeling process entirely or resort to probabilities and statistics. Quantum mechanics must be inherently indeterministic and probabilistic for reasons like those demanding that a coin toss is indeterministic and probabilistic: Because of human ignorance about hidden variables. Chance does not exist in nature for the sake of theistic integrity. Chance is a contrivance of the human mind to ameliorate the human's lack of knowledge about the hidden variables, even though nature under a genuinely sovereign God is utterly deterministic, even with an allowance for compatibilistic free will.

A major part of the argumentation about the meaning of quantum mechanics revolves around the question of how much quantum phenomena exist exogenously and how much revolves around the process of endogenous description. In language more commonly used by quantum philosophers, the question is about how much is real, and has an ontological existence, on one hand, versus how much is merely epistemological. Einstein tended to be on the side of ontic realism. That's why he bemoaned the difference between the classical account of Brownian motion,

with its use of statistics and probabilities on top of assumed deterministic hidden variables. This contrasted with the Copenhagen interpretation's account of ultra-microscopic phenomena, with its use of statistics and probabilities on top of a refusal to make assumptions about what was going on ontologically. The fact that Einstein bemoaned this difference is evidence against Musser's claim that Einstein accepted the universe as a layer cake, part of it being deterministic and the rest of it being indeterministic.

This refusal to make assumptions about what is happening in the ontological realm has been the prevailing view in quantum mechanics from the promulgation of the Copenhagen model until now. The reason quantum mechanics has worked is because the statistical mathematics is largely correct, while the interpretations have been ambiguous and all over the map. In spite of the bad interpretations, there are extremely well-established experimental results that have come out of quantum physics laboratories that are bizarre, and that are thoroughly baffling to the worldview of classical physics. One of the most baffling is what is commonly called "quantum entanglement". In the process of trying to explain quantum entanglement, physicists have resorted to putting quantum entanglement into a much broader category of phenomena called "nonlocality".

Although the layer-cake idea has serious limitations, there is ample experimental evidence that shows that the microscopic realm of quantum mechanics is generally weird compared to the world of classical physics, even if the microscopic realm is understood to be ultimately deterministic. This can be seen in nonlocality, which is usually recognized by physicists as one of the weirdest effects predicted by quantum mechanics. Nonlocality was originally recognized in the 20s and 30s as being a prediction of quantum mechanics by way of quantum entanglement. Quantum entanglement is probably better described by a layman writing for the **Washington Post** than by a run-of-the-mill physicist, because of the latter's propensity to load the description with technical jargon:

> Imagine you are a photon, a packet of light. You are a tiny blip of energy, hurtling through the universe on your own. But you have a twin, another photon to whom you have been intimately connected since the day you were born. No matter what distance separates you, be it the width of a lab bench or the breadth of the universe, you mirror each other. Whatever happens to your twin instantaneously affects you, and vice versa.[1]

1 Sarah Kaplan, "Quantum entanglement, science's 'spookiest' phenomenon, achieved in space", "Speaking of Science", **The Washington Post**, June 15, 2017. — URL: https://www.washingtonpost.com/news/speaking-of-science/wp/2017/06/15/quantum-

The prediction by quantum mechanics of the existence of quantum entanglement has been argued over extensively, especially since the Einstein-Podolsky-Rosen (EPR) thought experiment was published in 1935. But more important than the argumentation is the fact that quantum entanglement has been proven to be a genuine physical phenomenon on numerous occasions.[1] It's critical to acknowledge that quantum entanglement exists as extra-biblical fact. It's also critical to acknowledge that its existence gives plenty of plausible evidence that nonlocality also exists. — Physicists have discovered what they call nonlocality not only in quantum entanglement, but also in what appears to be "faster-than-light motion across an event horizon" like a black hole;[2] the "unity of the cosmos" and the "synchronicity of distant galaxies" according to the quantum theory of gravity;[3] and "the maelstrom of particle collisions" in a particle collider.[4]

Although the evidence for nonlocality has become overwhelming in recent decades, evidence for it started showing up even before the foundations for quantum mechanics were laid:

> [T]he dual nature of light posed a specific problem: it conflicted with the principle of locality. … [W]hen light acts as *both* wave and particle, nonlocality seems unavoidable.[5]

As indicated by Einstein / Infeld, if light is a particle, then it should be governed by laws governing the local action of a particle. But if it's a wave, then not so much. The fact that it's both, but cannot be described consistently as both, indicates that there must be some mysterious thing like nonlocality involved. — In order to define nonlocality, it's important to define it in contrast to locality:

> The atomists identified two aspects of locality. The principle of local action holds that influences do not jump from one place to another; but pass through all the intervening points. And the principle of separability says each distinct object has an independent reality. The world has structure; things do not melt together into some undifferentiated goop. The electromagnetic, gravitational, and other fields embody both of these concepts, albeit in ways the ancient atomists never imagined. Objects

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entanglement-sciences-spookiest-phenomenon-achieved-in-space/, retrieved 2 January 2018.

1 As an example of how routine the existence of quantum entanglement has become, see Musser, **Spooky Action**, pp. 13-20.

2 Musser, **Spooky Action**, p. 28.

3 Musser, **Spooky Action**, p. 36.

4 Musser, **Spooky Action**, p. 42.

5 Musser, **Spooky Action**, p. 88.

> can interact not just by contact action, but also by continuous action—ripples in fields. Each and every point of a field is a distinct object in its own right, whose existence is an objective fact on which all observers will agree.[1]

This quote marks two principles that are crucial aspects of locality. These principles have been crucial to discerning cause and effect. According to Musser, these principles have been crucial to establishing locality, going all the way back to the ancient Greek atomists:

- the principle of local action: "influences do not jump from one place to another, but pass through all the intervening points."
- the principle of separability: "each distinct object has an independent reality."[2]

Most physicists who have studied quantum entanglement, including Einstein, have not believed that it satisfies either of these two criteria for locality. Although Einstein didn't think quantum entanglement met either of these two principles, he especially didn't think it met the principle of local action. This claim needs clarification to show that local action includes special cases of what appears to be action at a distance. Action at a distance, in the literal sense of the expression, wasn't so much a problem for Einstein. Both gravitation and electromagnetic fields seemed to manifest action at a distance. But when these were examined closely, there were principles of cause and effect that could be traced throughout, so that there was no inexplicable jumping around. Newton didn't know precisely what the force of gravity was, but he could at least produce an equation that could reliably describe how it worked. That was sufficient to satisfy the principle of local action. The same general idea applied to Maxwell's equations. Both Maxwell's equations and Newton's equation for gravity may have appeared to represent actions at a distance, as opposed to local actions, but because empirically verifiable mathematical descriptions of the forces at work in these fields were provided in each case, after sufficient verification, both gravity and electromagnetism were accepted as not violating either of the principles of locality. Unlike quantum entanglement, the force at a distance displayed by these two kinds of classical fields diminishes as space increases from the source of the field. Also, both of these two kinds of fields operate at the speed of light.[3] But the influence

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1 Musser, **Spooky Action**, p. 86.

2 Musser, **Spooky Action**, p. 86.

3 The speed of the electromagnetic wave was confirmed as being the speed of light many decades ago. General relativity has predicted that gravity acts at the speed of light for a long time. This prediction was confirmed by observation of the gravity wave produced by merger of two neutron stars on August 17, 2017 (GW170817).

of each particle upon the other in quantum entanglement, if it's correct to say that there is such an influence, is much faster than the speed of light, if not instantaneous. Also, this influence does not diminish with distance. These big differences between these fields and quantum entanglement are why Einstein described entanglement as "spooky action at a distance". If it's correct to say that there are influences between entangled particles, then influences between entangled particles DO appear to jump from one to the other without "pass[ing] through all the intervening points". Entanglement also violates the principle of separability, because as long as the two particles are entangled, they don't have independent existences.

As far as the authenticity and proficiency of science are concerned, the fact that quantum entanglement appears to violate these two principles of locality is not the crux of what's amiss. The crux is that this phenomenon defies the scientist's search for secondary causes of **physical** effects. This defiance of these two principles of locality is certainly rightly called "nonlocality". Nonlocality, if not properly understood, betrays Einstein's conviction that, "without the belief in the inner harmony of our world, there could be no science."[1] Given that nonlocality is an extra-biblical fact, it cannot be inherently incompatible with the "belief in the inner harmony of our world". Nevertheless, eliminating the link between cause and effect is incompatible with such harmony, unless there are mitigating factors. — One of the terms of the global covenant is that when God created the universe, He created cosmos rather than chaos. He created the universe with "inner harmony". If anyone, including any given physicist, decides to extol nonlocality as evidence that the underlying nature of the universe is chaos rather than cosmos, then that person is either claiming that the natural law doesn't exist, or that the natural law is something other than what the global covenant says it is. Either way, the assumption that the universe is inherently chaotic, or that it's a layer cake with a chaotic foundation and a cosmic upper structure, defies the belief in the inner harmony of the universe, and thereby defies the belief in the law of causality. Any damage to the link between cause and effect is damaging to science, or at least limiting to science.[2] In fact, the damage done by "enlightenment" philosophers to the Aristotelian belief in the prime mover, the ultimate cause of everything, has apparently infected large swaths of the physics community. People like John Stewart Mill and Bertrand Russell, who mistook the

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1 Einstein and Infeld, p. 296.

2 There are certainly scientists who believe that order can arise out of chaos. Musser, as a science reporter for **Scientific American**, must be familiar with such beliefs. Such scientists even have mathematical descriptions, *ala* "chaos theory", of how such cosmos arises out of chaos. They miss the point. The point is that the order exists embedded in what appears to humans to be chaotic.

Aristotelian belief that every effect has a cause for the belief that every THING has a cause, have propagated this trend. By claiming that everything has a cause, they included God in the class of everything, so that Aristotle's prime mover must also have a cause. Introduction of this fallacious thinking into the scientific community by the combination of Mill and Russell is described in R.C. Sproul's book, **Not a Chance**. Sproul describes the "logical quagmire" that Russell entered when he read Mill's autobiography at age 18. Russell lived in that quagmire for the rest of his life, and generally convinced academia to do the same.[1] This evasion of Aristotle's thinking regarding the "First Cause" is just plain dumb. But even geniuses like Mill and Russell will stoop to such dumbness if they think it puts more distance between them and the Puritans. That kind of bias has infected science in general, even physics. More to the point, it has infected the research-funding process. When the people with the money have this kind of anti-Aristotelian bias, research proposals that violate that bias don't get funded.

Since the 20s and 30s, with escalating intensity in later decades, physicists interested in this nonlocality problem (Most aren't.) have debated how to deal with it. These debates were instigated primarily by a thought experiment published by Einstein, Podolsky, and Rosen, generally known as the "EPR paradox".[2] The paper was aimed at proving that quantum mechanics contained logical contradictions, and was incomplete, and that it should be extended with hidden variables. It indicated that quantum mechanics predicted quantum entanglement, which Einstein treated as a paradox. Prior to the EPR paper, it was not generally recognized that quantum mechanics predicted quantum entanglement. Shortly after the publication of the EPR paper, Bohr published a refutation. The following commentary on the EPR paper summarizes the historical circumstances:

> EPR—as the authors became known—concluded that quantum mechanics was incomplete because it didn't allow the particle to have definite position and momentum at the same time. In his reply a few months later[3] Bohr argued that since you couldn't physically perform a simultaneous measurement of position and momentum, there is no way to prove that they coexist as definite properties. Einstein found Bohr's reply unconvincing, since it

1 R.C. Sproul, **Not a Chance: The Myth of Chance in Modern Science and Cosmology**, 1994, Baker Academic, Grand Rapids, MI, pp. 173-181.

2 Einstein, Podolsky, Rosen, "Can Quantum-Mechanical Description of Physical Reality Be Considered Complete?", **Physical Review**, 47 (10), May 15, 1935, p. 777. — URL: https://journals.aps.org/pr/pdf/10.1103/PhysRev.47.777, retrieved 9 January 2018.

3 Embedded footnote: "N. Bohr, 'Can Quantum-Mechanical Description of Physical Reality be[sic] Considered Complete?' Phys Rev **48**, 696 (1935)".

> carefully avoided any attempt to say what was going on behind the scenes.
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> The EPR claim appeared impossible to test decisively until 1964, when John Bell of CERN in Geneva showed theoretically that a statistical test with an EPR-like experiment could quantitatively compare predictions made by quantum mechanics with those of EPR.[1] Such experiments were technically demanding, but analyses of polarization measurements of many photons *[sic]* pairs, published in 1981-82, convincingly showed that quantum mechanics got it right.[2]
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> EPR used "unequivocally good reasoning," says Abner Shimony of Boston College. The flaw is that quantum mechanics has an element of non-locality–a subtle connection between the two particles that persists even after they separate. But Bohr as much as Einstein, Shimony believes, would not have welcomed non-locality, whose implications for our understanding of the fundamental nature of the physical world remain obscure.[3]

By publishing the EPR paper, the whole issue of quantum entanglement and nonlocality was raised, and largely ignored, until Bell addressed it in 1964. According to Musser,

> Einstein posed a dilemma: quantum mechanics is either nonlocal or incomplete. Bell closed off the second possibility: he showed that not even incompleteness could avoid nonlocality.[4]

There has been ample evidence compiled since the publication of Bell's theorem to show that nonlocality genuinely exists at the microscopic level. But the disparity between this fact and the demand for compatibilistic determinism screams that the Copenhagen model is incomplete. But it's probably not incomplete in the way that Einstein thought. Einstein based his suspicion about Copenhagen quantum mechanics on his belief in the two principles of locality, especially the principle of

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1 Embedded footnote: "J.S. Bell, 'On the Einstein-Podolsky-Rosen Paradox," Physics 1, 195-200 (1964)".

2 Embedded footnote: "A. Aspect, P. Grangier, and G. Roger, 'Experimental Tests of Realistic Local Theories via Bell's Theorem,' Phys. Rev. Lett. 47, 460 (1981); 'Experimental Realization of Einstein-Podolsky-Rosen-Bohm Gedankenexperiment: a New Violation of Bell's Inequalities,' Phys. Rev. Lett. 49, 91 (1982); 'Experimental Test of Bell's Inequalities Using Time-Varying Analyzers,' Phys. Rev. Lett. 49, 1804 (1982)".

3 David Lindley, "Focus: What's Wrong with Quantum Mechanics?", American Physical Society, **Phys. Rev. Focus** 16, 10, September 23, 2005. — URL: https://physics.aps.org/story/v16/st10, retrieved 9 January 2018.

4 Musser, **Spooky Action**, p. 101.

local action. As a result of his commitment to the principle of locality, Einstein was committed to the belief that there must be hidden variables, the exclusion of which marked the incompleteness of the Copenhagen model. According to John Stewart Bell,

> If [a hidden variable theory] is local it will not agree with quantum mechanics, and if it agrees with quantum mechanics, it will not be local. This is what the [Bell] theorem says.[1]

Bell's theorem clearly conflicts with Einstein's views. Furthermore, while there have been practically no experimental results supporting Einstein's view, there have been a number of experimental results that support Bell's. If one follows the experimental results, then one comes to the conclusion that Bell's theorem closed the door on local hidden variables like those implicit in Sproul's thought experiment, and like those expected by Einstein. But Bell's theorem leaves the door open for nonlocal hidden variables.[2]

Now there's a big question posed to this attempt at applying biblical principles to modern physics: Given that the door is closed on local hidden variables as a way of dealing with quantum entanglement, do nonlocal hidden variables offer hope for finding compatibility between the book of nature and the book of special revelation? — Nonlocality is often thought to include the concept of faster-than-light communication. Faster-than-light communication between entangled particles is one of the explanations offered to explain how the particles stay synchronized. According to John Stewart Bell, the nonlocality phenomenon, Einstein's "spooky action at a distance", can be eliminated from quantum mechanics by resorting to what Bell called "superdeterminism":

> There is a way to escape the interference of superluminal speeds and spooky action at a distance. But it involves absolute determinism in the universe, the complete absence of free will. Suppose the world is super-deterministic, with not just inanimate nature running on behind-the-scenes clockwork, but with our behavior, including our belief that we are free to choose to do one experiment rather than another, absolutely predetermined, including the decision by the experimenter to carry out one set

1 John Bell, **Speakable and Unspeakable in Quantum Mechanics**, 1987, Cambridge University Press, p. 65.

2 As a caution against relying too heavily upon any theory in physics, it's probably wise to keep the historical perspective of the following conference talk in mind: Yoav Ben-Dov, "Local realism and the crucial experiment", **Frontiers of Fundamental Physics**, 1994, ed. F. Selleri, Plenum Publications, London. — URL: http://bendov.info/eng/crucial.htm, retrieved 9 January 2018.

> of measurements rather than another, the difficulty disappears. There is no need for a faster-than-light signal to tell particle *A* what measurement has been carried out on particle *B*, because the universe, including particle *A*, already 'knows' what that measurement, and its outcome, will be.[1]

Bell was obviously against resorting to determinism to solve this problem, because doing so would hinder his conception of "free will". Perhaps he should have resorted to a thorough re-examination of his conception of free will, instead. Then, maybe, he would have resorted to a compatibilistic conception of free will and determinism, rather than holding tenaciously to his preference for indeterminism.

Bell's implication that physicists could somehow turn quantum mechanics from being inherently indeterministic, probabilistic, and statistical to being deterministic like classical physics, may have been nothing more than a rhetorical flourish. The fact is, at this particular point in human history, physicists are running up against the outer limits of their perceptual capacities, even with the use of powerful instrumentation. As long as this is the case, quantum mechanics will remain statistical and probabilistic.

According to some interpretations of Bell's quip on the BBC, nonlocality wouldn't exist if the quantum realm were understood to be deterministic. Bell may have been speaking informally and in the vernacular, so it may not be fair to take his quip seriously. On the other hand, so-called "superdeterminism" is one of a handful of different interpretations that have been offered by reputable physicists, and deserves cursory examination, like the others, even if it is the most unpopular.

In **Spooky Action at a Distance**, George Musser has distilled the various interpretations down to four, excluding Einstein's spooky action. He lists them as, "Radical predestination. Precognition. Parallel universes. Unreality."[2] Before entering into cursory examination of these four interpretations, it's important to observe a caveat about mathematically modeling any interpretation of any kind. — There are limits to how much science can rely upon mathematical models and still be reliable. Without sufficient empirical evidence, mathematical models can be loaded with the biases of whoever is creating the models, and the biases in the models could go unchallenged for decades before sufficient evidence is produced to show the bias is pure hubris. This is precisely what has been happening in climate modeling since before "man-made global warming" became a widespread concern. Ample

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1 Transcript from BBC radio interview of John Bell in 1985. — Paul C.W. Davies, Julian R. Brown, **The Ghost in the Atom: A Discussion of the Mysteries of Quantum Physics**, 1986/1993, Cambridge University Press, pp. 45-46.

2 Musser, **Spooky Action**, p. 120.

evidence has been produced to show that the mathematical models that predicted global warming have had major errors built into them.[1] Similar biases can be built into mathematical models in quantum physics. Without sufficient evidence, they cannot be debunked. This is precisely why no one should get super-dogmatic about any of the interpretations of quantum mechanics.

In keeping with Bell's BBC interview, and with standard practice in the physics community, the first interpretation that Musser examines is here called "superdeterminism". Musser calls it "Radical predestination" and "Giving Up Free Will?". According to Bell's description to the BBC, superdeterminism, like historical metaphysical determinism, would eliminate free will. In contrast, Calvinistic compatibilism certainly posits the absolute sovereignty of God, and therefore a kind of absolute determinism. But it absolutely does not eliminate human free will.[2] It's reasonable to believe that if nonlocality in quantum entanglement is a genuine phenomenon, then it should be explainable in a way that's consistent with Calvinistic compatibilism. Doing so should start with recollection of why nonlocal influence became a necessary explanation in the first place:

> Recall why nonlocality seems necessary; without it, the particles would have to be preprogrammed for every eventuality that might befall them, and vanilla quantum mechanics provides no way to do that.[3]

Ignoring Musser's four alternative explanations for quantum entanglement, excluding "spooky action", and relying entirely upon one's own common sense, it might appear that there are three possible explanations for the synchronized behavior of entangled particles: (i)the particles have been "preprogrammed for every eventuality" and therefore need no inter-particle communication; (ii)each particle is able to influence the other in some nonlocal way; or (iii)there is some deep and unrecognizable force at work outside the two particles, that keeps the particles synchronized. Given that the particles are not preprogrammed, because assuming otherwise is too far off the quantum mechanical explanatory map, and given that there is not some unknown outside force, for the same reason, the entangled particles show all the signs of

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1 A good place for anyone to start researching climate claims like those made by Al Gore in his 2006 documentary, "An Inconvenient Truth", is at the Science and Public Policy website. — URL: http://scienceandpublicpolicy.org, retrieved 2 January 2018.

2 "God … did … ordain whatsoever comes to pass; yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established." — Westminster Confession of Faith, 3.1. — URL: http://www.reformed.org/documents/wcf_with_proofs/, retrieved 9 January 2018.

3 Musser, **Spooky Action**, p. 107.

defying the two principles of locality. So the face-value explanation must be that locality is irrelevant at this quantum level of existence, at least in regard to this class of phenomena. Einstein and colleagues thought that explanation too easy and too outrageous. So given the limitations of "vanilla quantum mechanics", there must be some kind of superluminal, faster-than-light, communication going on between the particles. On the other hand, there is absolutely no experimental evidence for any kind of superluminal anything. Einstein's relativity theory sets a speed limit for the physical universe, and there's no evidence to support the claim to superluminalism.

One caveat about the current version of superdeterminism is that it leans heavily on the so-called "Big Bang". This presumes that particles have been preprogrammed from the beginning of time to be completely synchronized whenever they become entangled. This is reminiscent of Deism, in which God wound up the universe at the beginning of time so that it would run like a clock, then abandoned it. The God of the Bible is both transcendent and immanent. Deism posits a transcendent god to the exclusion of immanence. That's one among several good reasons to mark the current version of superdeterminism as inadequate from the Reformed perspective. On the other hand, the explanation that there is some deep and unrecognizable force at work outside the two particles could be the God who is both transcendent and immanent. But this latter explanation needs appraisal from the scientific perspective.

Science in general is a search for the laws of nature, as though God no longer actively changes natural law, and as though He allows His laws to run the show. This is consistent with the Bible's presentation of the global covenants in the first eleven chapters of Genesis. Also, the success of science says that to a large extent, this stability of the natural law is real even though God certainly remains immanent. Crucial to the scientific method is Occam's razor. Occam's razor is a heuristic, a rule of thumb, which holds that among competing hypotheses, the simplest, the one with the fewest assumptions, is the best. This is critical in science to keep theories falsifiable, meaning testable. If a theory is completely beyond falsifiability, beyond the capacity to show how it is true or false, then it can hardly be described as a scientific theory. This is precisely why the convention among scientists is to keep any mention of God out of their hypotheses and theories. The belief is that offering God as an explanation for anything brings the quest for secondary causes immediately to an end. This doesn't mean that genuine scientists should be agnostic or atheistic. It means that when scientists devise hypotheses for the testing of theories, the hypotheses should avoid mention of the Prime Mover, because the hypothesis should be falsifiable, and aimed exclusively at secondary causes. God is the first cause of everything. It's therefore not unreasonable to mention God in a theory

of everything; even though it is unreasonable to mention God in a presumably falsifiable hypothesis that's aimed at proving the validity of the theory of everything. Offering the primary cause of everything in a race to find secondary causes is an immediate diversion from the quest for secondary causes. But any holistic theory, over and above hypotheses, should not be ashamed of acknowledging God as the Prime Mover. While hypotheses must be testable, and are therefore squarely within the arena of the natural sciences, theories, especially theories of everything, may exist more in the arena of the formal sciences.

Offering the Big Bang as a "superdeterministic" solution to this quantum entanglement problem is like a claim that God did it. Because God is, in fact, the prime mover, the first cause of everything, offering God, or even the Big Bang, as a solution to the quantum-entanglement / nonlocality problem is like admitting that physics has reached its empirical limits. — A type of superdeterminism may be a valid interpretation, (i)if it conforms to compatibilistic determinism; and (ii)if it is understood to exist via nonlocal hidden variables rather than local hidden variables. The latter prerequisite exists because of the extraordinary difference between action at a distance that is spooky and action at a distance that is not spooky. Gravity and electromagnetism fit into the latter kind of action at a distance, and they are generally understood to not violate the principles of locality. This is because, (i)the force behind the action at a distance of these two kinds of classical fields decreases as distance from the source of the force increases; and (ii)these two classical forces obey the universal speed limit established by relativity theory. Unlike gravity and electromagnetism, quantum entanglement doesn't obey either of these two. Quantum entanglement could exist between two particles on opposite sides of the universe, and their behavior would be utterly synchronized regardless of that distance. That means that if there were communication between the two particles, it would occur vastly faster than the speed of light. But the current version of superdeterminism would eliminate the need for communication between the two particles. Advocates of the current version of superdeterminism want to eliminate such nonlocal communication for the sake of protecting the locality principles. The current version could not eliminate the nonlocality phenomenon because it's an empirical fact, but it would eliminate inter-particle communication as a necessary explanation for their synchronicity. Because the quantum-entanglement phenomenon is so utterly weird, it doesn't make sense to try to force it to conform to the principles of locality. Therefore, nonlocal hidden variables are called for, not local hidden variables.

This may require acceptance of this nonlocal phenomenon as a fact, without having any way to explain it. According to Musser, the current version of superdeterminism

> is said to eliminate nonlocality. On closer inspection, it does nothing of the kind. It merely displaces nonlocality from the present day to the big bang.[1]

A Reformed version of superdeterminism might displace nonlocality from the scientific quest for secondary causes to God, the primary cause. If it's understood that genuine science is focused on finding secondary causes, not on offering itself as a superior alternative to all the existing religions and philosophies of the world, then it becomes easier to accept the possibility that there aren't any scientifically viable explanations for nonlocality. It may simply be a fact that humans have to accept without any further explanation. This situation may be acceptable simply because humans are inherently incapable of knowing everything. The best each human being can ever expect is ***to know what he/she needs to know when he/she needs to know it, so that he/she does what he/she needs to do when he/she needs to do it, so that he/she never violates natural law***, so that he/she lives eternally into the future. Nonlocality may be a deep feature of the universe, a feature on the boundary between the ecological system within which humans are predisposed to live such eternal lives, and the environment that is outside that ecosystem. Under such circumstances, it's probably true that hidden variables won't help much. On the other hand, if God intends to allow humans to gaze further into this quantum realm, then one of the mechanisms to allow that to happen should be nonlocal hidden variables. But such hidden variables will not help the gazing if nonlocality inherently terminates the capacity to discover links between cause and effect within the quantum arena. It should be obvious from the Bible's account of creation that God created the universe through eternal law, much of which is inherently unknowable to humans, which is why there's a need for distinguishing eternal law and natural law. Nonlocality may be a set of phenomena at this epistemological boundary.

Because Calvinistic superdeterminism doesn't deny the experimental fact of quantum entanglement, it doesn't inherently deny nonlocality. It doesn't even necessarily eliminate superluminal communication. It merely establishes that every facet of the universe is ultimately deterministic, even if such determinism cannot be written into quantum mathematical models that genuinely predict all known experimental phenomena. Even though this hands-off approach to describing quantum phenomena may be characteristic of Calvinistic superdeterminism, there are other constraints such determinism would impose in a more hands-on way. These constraints revolve around cause and effect. Science exists for the sake of finding the secondary causes of phenomenological effects. If science ceases to do that, then science ceases having a reason to exist. There are plenty of good reasons to make

1 Musser, **Spooky Action**, p. 121.

an addendum to Occam's razor, which says that not only should scientists choose the simplest explanation. They should also choose the explanation that offers the greatest hope of showing the secondary cause. This reasoning applies to nonlocality because, no matter how simple or elaborate theories regarding nonlocality may get, none appear, at present, to be grasping anything like the cause of it.

While Reformed Christians should not fund the current version of superdeterminism, a theory following Calvinistic superdeterminism might be fundable. On the other hand, Musser's other three interpretations of quantum mechanics that encompass explanations of nonlocality should not be. After superdeterminism, Musser explores what he calls "Precognition" and "Particles Are Crystal Balls". In this scenario, each particle can see into the future. "They could come into the world already 'remembering' what is going to happen … and be prepared to respond accordingly."[1] For a minute particle to remember anything stretches the meaning of "remember". That reputable physicists would resort to this kind of explanation shows how desperate they are.

> Proponents of this [precognition] idea don't deny that entanglement is magical. They just think the magic is a type of precognition rather than a type of telekinesis. … [W]hen physicists as renowned as Feynman and John Wheeler suggest that particles are precognitive, you've got to take the idea seriously. …
>
> You can think of reverse causation as a form of time travel. … In this case, … no paradox can arise because the particles are unable to convey a signal, let alone a human traveler.[2]

Remembering the future can be thought of as "reverse causation". It may be true that the physics community, and perhaps the whole world, would be better off with no explanation at all, than with explanations that exponentiate the weirdness.

The third interpretation of quantum entanglement that Musser examines, excluding Einstein's spooky action, is what he calls "parallel universes". The current version of superdeterminism and the precognitive interpretation both have serious problems, but each is more plausible than the parallel-universe interpretation. The parallel-universe interpretation

> says that the synchrony among entangled particles is a kind of illusion, an artifact of the highly selective view of reality that we have by virtue of living in one universe among many. … [P]arallel universes pull the rug out from under experimental

1 Musser, **Spooky Action**, p. 109.

2 Musser, **Spooky Action**, p. 110.

> science in just the same way that nonlocality does. Experiments can never probe the full ensemble of universes where locality supposedly holds.[1]

This interpretation of the facts violates Occam's razor more thoroughly than the two previous interpretations. Physicists may have good technical reasons for choosing this alternative, but satisfying their mathematical models is a long way from satisfying the empirical evidence. This "alternative supposes that nonlocality is an illusion caused by the existence of parallel universes that we can't see directly."[2] It really shows all the signs of being in the realm of science-fiction absurdity.

Musser's fourth and last interpretation is what he calls "denial of realism" and "Don't Be Realistic". To understand this, it's necessary to have some understanding of the so-called "measurement problem". Measurement is at the heart of the interpretation problem in quantum physics, and is precisely why there are so many different interpretations of quantum phenomena. Musser condensed the various interpretations of quantum entanglement down to five, including Einstein's spooky action. But there are over eighteen different interpretations of quantum mechanics in general. The eighteen-plus interpretations vary in two fundamental qualities, ontology and epistemology. These are all differences of opinion about what exists in the world versus what exists in the mind, about what is ontic versus what is epistemic, and about what exists in the exogenous domain versus what exists in the endogenous domain. As already proposed, probabilities and statistics exist predominantly in the mind and are therefore predominantly epistemic. In conformity to this fact about the epistemic nature of probabilities, the Copenhagen interpretation does not explicitly claim that its probabilities and statistics are superimposed on the ontic. That would make it an ontic theory. But the primary developers of the Copenhagen model, Bohr and Heisenberg, were much too clever for that. If all eighteen-plus interpretations were placed on a continuum with the extremely ontic interpretations at one end and the extremely epistemic at the other end, the Copenhagen interpretation would be at the extremely epistemic end of the continuum. This means that Einstein's comments that appear in a letter written to Besso in 1952 appropriately describe the Copenhagen model:

> The present quantum theory is unable to provide the description of a real state of physical facts, but only of an (incomplete) knowledge of such. Moreover, the very concept of a real factual state is debarred by orthodox theoreticians. The situation

1 Musser, **Spooky Action**, pp. 122-123.

2 Musser, **Spooky Action**, p. 110.

> arrived at corresponds almost exactly to that of the good old Bishop Berkeley.[1]

Bishop Berkeley (1685-1753), probably motivated by clerical revulsion towards the materialism embedded in Newton's physics, developed a philosophical theory he called "immaterialism". His theory repudiates the actuality of material substance and argues instead that ordinary entities like refrigerators and cooking utensils are only ideas within the perceiving mind and, as a consequence, they cannot exist unless they are perceived. By formulating this theory, Berkeley essentially made a case not only against materialism, but also against realism. Realism in the modern philosophical sense, as distinguished from the medieval scholastic sense, contends that exogenous entities exist regardless of whether they are perceived.

Einstein, as a natural philosopher, was obviously imposing a philosophical argument upon the Copenhagen interpretation, claiming that Bohr and the other Copenhagenists were indulging in extreme subjectivism by focusing so thoroughly on the epistemic nature of quantum phenomena. In contrast, the Copenhagen interpretation reckons quantum mechanics as supplying understanding of exogenous phenomena without actually designating "a real state of physical facts". The Copenhagen interpretation does this in order to avoid superimposing ordinary intuition onto quantum phenomena. The situation has been stated well by Werner Heisenberg:

> Since the statistical nature of quantum theory is so closely [linked] to the uncertainty in all observations and perceptions, one could be tempted to conclude that behind the observed, statistical world a "real" world is hidden, in which the law of causality is applicable. We want to state explicitly that we believe such speculations to be both fruitless and pointless. The only task of physics is to describe the relation between observations.[2]

This can be interpreted as saying that because quantum theory is so deeply and inherently epistemic, it doesn't make sense to pretend that anything ontic can be found in it. It makes sense to discover and describe the relationships between observations in this quantum arena, but it doesn't make sense to pretend that there

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1 M. Jammer, "Einstein and quantum physics", **Albert Einstein: Historical and Critical Perspective; the Centennial Symposium in Jerusalem**, edited by G. Holton and Y. Elkana, 1982, Princeton University Press, pp. 73-74.

2 W. Heisenberg, "The Actual Content of Quantum Theoretical Kinematics and Mechanics", 1927, **Zeitschrift fur Physik 43**, pp. 172-198. — NASA Technical Memorandum TM-77379 — URL: https://ntrs.nasa.gov/archive/nasa/casi.ntrs.nasa.gov/19840008978.pdf, retrieved 26 January 2018.

is enough ontic reality in these observations to claim that the law of causality is applicable in them.

Heisenberg's staunch commitment to the radically epistemic nature of quantum mechanics eliminates the addition of hidden variables to the Copenhagen model. The fact that this radically epistemic model is by far the most successful of all the eighteen-plus models on the ontic-epistemic continuum is evidence that his attitude and commitment are correct. It appears that perhaps the radically epistemic nature of quantum mechanics is necessary to even reliably procure observations that can be related to observations. On the other hand, there is more to the Heisenberg quote than what appears above. After the sentence, "The only task of physics is to describe the relation between observations", is the rest of the paragraph:

> The true situation could rather be described better by the following: Because all experiments are subject to the laws of quantum mechanics … it follows that quantum mechanics once for all establishes the invalidity of the law of causality.[1]

It may be extremely difficult to understand the law of causality at work at the quantum level. It may therefore be prudent, for the sake of avoiding the superimposition of classical (materialistic) intuitions, to claim that in the quantum realm, the law of causality cannot be ascertained. But to claim that it doesn't exist at all is nihilistic drivel, at best.

It's reasonable to assume that somehow, the phenomena in the quantum arena coalesce, congeal, condense, *etc.*, into the classical arena. In fact, it's unreasonable to assume that this is NOT the case. Given that this is true, and given that the law of causality exists undeniably in the classical realm, it's inevitably true that the law of causality exists in the quantum arena, even if humans have no reliable mechanisms by which to detect it there. Following the same logic in regard to realism, it's reasonable to assume that even though ontic realism is extremely difficult to reliably detect in the quantum arena, because ontic realism exists in the classical arena, it must exist in some at least nascent form in the quantum arena. This should be obvious to all thinking people, except perhaps those, like Bishop Berkeley, who are so committed to immaterialism that they deny the existence of the ontic, exogenous domain.

Now that this necessary detour into the metaphysical characteristics of the Copenhagen interpretation is complete, it's possible to return to Musser's fourth and last interpretation of nonlocality, which is what he calls the "denial of realism". The Copenhagen interpretation rejects "local realism" in its particular measurement

1 Heisenberg, "The Actual Content of Quantum Theoretical Kinematics and Mechanics".

process. Local realism is the combination of locality, which has already been described, and realism, which has just been described. Realism holds that exogenous nature is separate and discrete relative to the endogenous mind. In other words, it holds that nature exists independently of the human mind. The Copenhagen theory is almost entirely epistemic, meaning that it cares almost not at all about locality and realism, because both of these are understood to be impositions of classical intuition. In contrast, Einstein expected it to be almost entirely ontic in order to be complete. — It's probably not valid to claim that the human mind has no impact on the exogenous world. Scripture is clear that humans are fallen, and that when the human race fell, creation fell with it. It's reasonable to surmise that creation fell by way of the darkness of the fallen human mind. This possibility pertains to this distribution of the ontic and the epistemic in interpretations of quantum mechanics like this: It's probably not true that the exogenous domain is utterly beyond the influence of the human mind. Given that this is true, the question becomes, how and to what extent is the exogenous arena influenced by the human mind? Classical physics, following its inherently materialistic bent, held that the exogenous arena is not influenced at all by the human mind, and that the exogenous arena is utterly independent of the human mind. In contrast to this, the early developers of quantum mechanics realized that they could measure a photon based on the assumption that it was a wave, or based on the assumption that it was a particle, but not both at the same time. Their choice of measurement modality would obviously influence the outcome of the experiment. In contrast to Einstein's commitment to local realism, the Copenhagen interpretation has very little commitment to realism and cares little about locality.

Musser's fourth alternative focuses on the opinions of Austrian physicist, Anton Zeilinger. Zeilinger is partial to the Copenhagen model. He therefore "objects to Einstein's realist view that measurements are passive operations that record what's already out there."[1]

> Zeilinger sees Bell's argument in this light: as disproof not of locality per se, but of "local realism," which combines Einstein's twin intuitions that physics is local (particles are mutually independent) and realist (particles possess specific properties in advance of being measured). If Bell's argument pertains to local realism rather than just locality, then only one of these intuitions is vulnerable. By analogy, if we're told that someone is not a feminist bank teller, we'd need more information to know whether the person is not a feminist, not a teller, or neither a feminist nor a teller. And in that case, maybe we should be

1 Musser, **Spooky Action**, p. 114.

> getting rid of realism rather than locality. Zeilinger and his team have conducted experiments that are damaging for realism.[1]

These experiments of Zeilinger and his team manifest quantum entanglement, but they interpret such entanglement to get rid of realism, rather than locality. But if realism goes, locality follows. To throw out realism entirely may agree with the Copenhagen interpretation, but without some meaningful degree of realism, even if it's extremely small, just enough to have an observation, it makes no sense to do experiments at all. There's no doubt that realism in the classical sense is excessive, but to throw it out entirely makes no sense. Therefore, this fourth alternative is also severely impaired.

> In effect, the antirealists are saying that no explanation is possible or needed. … Once you accept that single events have no cause, it's natural to suppose that *pairs* of events have no cause.[2]

The antirealists are clearly exercising some kind of anti-causal fetish.

Examination of these five (including spooky action) alternative explanations for nonlocality should be sufficient to convince the reader that there are ways to interpret quantum mechanics that don't violate Reformed theology. Even so, there is still a huge amount of work that's necessary to find the right distribution of the ontic and the epistemic qualities. It may be necessary to accept the proposal that quantum mechanics is necessarily epistemic, and the ontic can be surmised only through the accumulation of massive amounts of data arising out of massive numbers of observations. Under these circumstances, it may be reasonable to accept nonlocality as an undeniable ontic phenomenon, even as an extra-biblical fact. If so, then nonlocality is an effect that doesn't have a known cause. This is nothing new in the history of science. Historically, nonscientists have explained effects for which there is no known cause by saying that God, the Prime Mover, caused it. Natural philosophers always want to know and discover secondary causes, because that's part of their job description. But at times, they just need to accept their limitations.

To summarize the situation resulting from the phenomenological existence of quantum entanglement, it should help to allow Musser to have the last word on the subject:

> "Quantum correlations just happen, somehow outside spacetime," [quantum experimentalist Nicholas] Gisin [of the University of Geneva] concludes. To explain these correlations, physicists and philosophers will have to go beyond spacetime—and also beyond quantum mechanics. The theory lays out the options,

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1 Musser, **Spooky Action**, p. 114.

2 Musser, **Spooky Action**, p. 123.

> but offers no definitive resolution, and the standard battery of experiments can tell you only so much. …
>
> The situation changes when researchers look laterally to other domains of physics. The nonlocality doesn't go away, as many people hoped it would. It becomes even more strongly entrenched, and new types of nonlocality augment the particle synchrony that Einstein focused on. These new phenomena don't just whisper a failure of spacial concepts, but sing it loud.[1]

The combination of Einstein's reasoning, amended by Bell's reasoning, all being confirmed by experimental evidence for nonlocality, leads to the conclusion that ontic nonlocality is real, and needs to be explained beyond the mere proof of its existence. So there need to be scientific theories to explain this phenomenon, where the theories are compatible with Reformed theology.

(d) Towards a Reformed Theory of Everything: For about the last twenty years of his life, Einstein was focused on discovering the "unified field theory", a theory that would unify physics. He never found it, but there have been physicists since his death who have continued the quest. These followers have also failed, and one of the reasons they've failed has been because they've failed to arrive at a viable explanation for quantum entanglement. Instead of finding an explanation, they've multiplied discoveries of nonlocality so much that some physicists are entertaining the possibility that fundamental concepts in physics like space and time, also known as spacetime, should be abandoned in the arena of Planck-scale, ultra-small particles.

In response to these apparently dire circumstances, people in other academic fields have recommended expanding the scope of such unification. Given that the majority of quantum physicists are still following Heisenberg in his claim that "the only task of physics is to describe the relation between observations", and given the expanding evidence for nonlocality, the prospects for finding some way to unify the diversity of phenomena, grounded purely in physics, look bleak. In this age of extreme fragmentation and compartmentalization, the need to unify the diversity is stronger than ever. Strictly within the realm of the natural sciences, it appears that there is more hope for unification coming from biology than from physics. But there are very few academically credible individuals who even appear to be working on this problem. No one should be surprised to discover that the only prominent people working on this unification problem are being funded by globalists. Even though this is the case, it's important for Reformed people who are interested in

1 Musser, **Spooky Action**, pp. 126-127.

resolving this unification problem to take advantage of whatever work is being done on this front.

Ervin Laszlo, a systems theorist, is one of a tiny number of people who have plausibly recommended development of a "transdisciplinary unified theory". He has even published a book that purports to lay the conceptual foundations for a TUT. In his preface, he says:

> Today … theories that unify entire domains of research are actively sought in most fields, first and foremost in the physical and the biological sciences. Grand unified theories are a legitimate, and often even a dominant, program in physics, while the elaboration of the synthetic theory fulfills a parallel function in biology.[1]

In order to develop a transdisciplinary unified theory that is rationally consistent with Reformed theology, it's necessary to not only offer a theory that attempts to unify physics, but to offer a theory that attempts to unify all fields. Contrary to what some may think, this is not something that's never been done. It's never been done with perfect finality, but it has been done. The ancient Greek atomists attempted a transdisciplinary unified theory by explaining everything in terms of atoms. Aristotle attempted something similar, and so did Descartes. In fact, any Christian theologian who's ever written a systematic theology, and has attempted in the process to keep such theology consistent with both Bible and extra-biblical facts, has essentially attempted to develop a transdisciplinary theory of everything. The big difference between Reformed systematic theologies that precede Newton's works and subsequent theories of everything is that the latter must not only include basic principles inherent in Scripture by way of Reformed hermeneutics, but they must also include an account for all the scientific facts that are inherently part of modern societies. In the natural sciences, that inevitably entails the appendment of mathematical models that are the precursors to falsifiable hypotheses. So unlike the works of the atomists, Aristotle, Descartes, *etc.*, development of such a Reformed theory of everything is beyond the capacity of a single human being. Nevertheless, a single human being, like, for example, the author of this booklet on hermeneutics, could at least point out a few conceptual characteristics of such a Reformed theory of everything. So that's what this sub-subsection in this subsection is dedicated to depicting. It will use Laszlo's **The Interconnected Universe** as a kind of prototype that needs much flogging to get it into proper shape. In fact, the treatment of this subject will be so cursory that the reader will need to assume that much of the flogging is happening in the background.

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1 Laszlo, **Interconnected Universe**, p. xiii.

Towards a Reformed Theory of Everything

As already implied, there's a construction of larger objects from quanta that is a necessary assumption in any viable theory of everything. In this construction process,

> elementary particles build into atoms and atoms build into molecules … Molecules in turn build into macromolecules and into still more complex cellular structures associated with life; and ultimately cells build into multicellular organisms and these again into social groups and ecologies.[1]

This construction of life from elementary particles is obvious to physicists in general, and should be obvious to modern human populations in general. In **Theodicy: Science, Bible, & Law**, the author of this booklet on hermeneutics posits the same construction of material objects, including living organisms, from elementary particles.[2] Unlike Laszlo, the theodicy claims that this building-up process happens through wave coherence, based on the fact that all elementary particles can also be described as waves. Laszlo explains how, in nonequilibrium thermodynamics, "Evolution – the negentropic complexification of a system – is triggered when a critical fluctuation pushes a far-from-equilibrium system still further from thermal and chemical equilibrium."[3] What Laszlo describes is essentially order arising out of what appears to be chaos.[4] Although this is certainly an interesting phenomenon, and certainly must pertain in some respects to the development of life from inorganic phenomena, it doesn't escape the fact that the substances at play in this process are made from quanta having both wave and particle characteristics, and that such wave characteristics must necessarily be fundamental to the aggregation of atoms, as standing waves, from subatomic particles; the aggregation of atoms into molecules, which must also have characteristics of standing waves; the aggregation of molecules into living cells, which must also have standing-wave characteristics; and the aggregation of cells into living organisms, which must also have standing wave characteristics. This retention of wave properties into large physical objects, including living organisms, is inevitable, even if this compression of energy into matter may have a tendency to veil the wave properties.[5]

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1 Laszlo, **Interconnected Universe**, p. 5.

2 Porter, **Theodicy**, Part I, "Science and Bible". — URL: http://BasicJurisdictionalPrinciples.net.

3 Laszlo, **Interconnected Universe**, p. 7.

4 Laszlo, **Interconnected Universe**, pp. 5-9.

5 "Experimentalists have yet to see any range of sizes where nature ceases to behave quantum-mechanically. The human body is every bit as quantum as an electron." — Musser, **Spooky Action**, p. 161.

Relying upon reliable physical evidence, Laszlo posits the existence of what he calls the "zero-point field", also called the "vacuum state". This field is additional to the "four varieties of universal field", the four being "the gravitational, the electromagnetic, and the strong and the weak nuclear fields".[1] The zero-point field is sometimes understood to be the source or foundation for the other four fields. This vacuum state or zero-point field is largely a resurrection of what in the 19th century was called the "ether". The ether was posited as the substance through which light waves move, similar to the way sound waves propagate through air and water waves propagate through water. Accompanying this classical conception of ether was the belief that the ether must offer some resistance, like friction, called "ether-drag", to things moving through it, including light. Experiments by Michelson and Morley in the late 19th century found no such ether-drag. So Michelson and Morley proved that if the ether exists, it offers no resistance to light moving through it. But many took this finding to mean that the ether doesn't exist. So the concept of the ether was largely abandoned. But the need for something like the ether, even without the drag, commonly arose thereafter. So the ether had to be resurrected with a new name, thus "vacuum state" or "zero-point field". After preliminary introduction of this idea in chapter one, Laszlo continues in chapter two to sketch "properties in virtue of which the vacuum could interconnect phenomena so as to produce a self-referentially randomness-mitigating evolutionary process."[2] So,

> the quantum vacuum could function as a universal randomness-mitigating interconnecting field. The alternatives to creating a hypothesis in this regard are to find another explanation for the … stubborn emergence of order in nature – to ascribe the entire matter to final causes and intentional designs.[3]

Laszlo is saying that resorting to the kind of quantum vacuum theory (It's not really testable enough to deserve to be called a "hypothesis".) that he's resorting to is necessary to avoid attributing such properties of the universe to God. On the other hand, positing something similar to what he posits in his book, but doing so in a way that's consistent with Reformed theology, would require attribution of everything to God, except the sins and failures of human beings and whatever other creatures are similarly perverse. But for the sake of acknowledging that science is about finding secondary causes, and becomes stagnant as an enterprise to the extent that it stops searching for secondary causes, it's necessary to stay focused on development of a similar theory, maybe even basing it on "a universal randomness-mitigating

1 Laszlo, **Interconnected Universe**, p. 15.
2 Laszlo, **Interconnected Universe**, p. 25.
3 Laszlo, **Interconnected Universe**, p. 26.

interconnecting field". The primary-cause alternative would be "beyond the bounds of natural science", even though it's certainly valid to acknowledge that God exists as part of the theory. A theory of everything should be rationally consistent. But to carry genuine weight in the age of science, it must also propose hypotheses that are testable. As Laszlo says, "Falsifiability, Popper's specification of the testability criterion, is generally regarded as the crucial hallmark of scientific theories."[1]

Laszlo attributes to this zero-point field other characteristics that appear to arise out of existing science and technology. One such characteristic is "holographic" information. Holograms have super-efficient methods of recording information. Laszlo claims that the zero-point field is a "holographic information field".[2] He claims his theory has "two sets of postulates", one pertaining to the manner in which holographic information is stored in the zero-point field, and the other is application of these ideas "to micro- and macro- scale systems in the domain of observation and experiment".[3] Laszlo defines each quantum as a form of wave within the quantum vacuum.[4] He goes on to say, "we embrace the concept of an information-rich subquantum field as the most reasonable heuristic device in regard to universal interconnections in nature."[5] He posits these two postulates, that the zero-point field is the holographic field and that the zero-point field is the medium through which quanta propagate, as being the fundamental explanation for nonlocality phenomena. Such quantum-vacuum interaction is what Laszlo calls "QVI".

Although Laszlo's "QVI scheme" is a long way from being consistent with Reformed theology, it has features that mark it as an improvement over the extreme compartmentalization of modern physics, and of the natural sciences in general. This can be seen in the following quote:

> In the context of the QVI scheme, the particle's choice of a quantum state is not random: it is subtly but effectively influenced by the interaction of the particle with the vacuum. Certain phenomena of the quantum world – more particularly nonlocality and coherence – are non-anomalous in light of this concept.[6]

As already emphasized, nonlocality is currently an anomaly in quantum physics. This QVI scheme offers a possibly viable approach to introducing cause-and-effect to its

1 Laszlo, **Interconnected Universe**, p. 27.
2 Laszlo, **Interconnected Universe**, p. 27.
3 Laszlo, **Interconnected Universe**, p. 27.
4 Laszlo, **Interconnected Universe**, p. 29.
5 Laszlo, **Interconnected Universe**, p. 30.
6 Laszlo, **Interconnected Universe**, p. 53.

description. Regarding coherence, Part I, and perhaps even all of Porter's **Theodicy**, is dedicated to exploring the ramifications of wave coherence from the quantum realm up to the domain of human societies.[1] The theodicy shows that coherence is not an anomaly, but is rather an inadequately explored phenomenon. But Laszlo makes it clear that he's speaking of coherence as it appears in Young's double-slit experiment,[2] which has indeed been anomalous, like nonlocality, to the physics community in general. Laszlo's QVI scheme points towards resolution not only of such nonlocality and coherence anomalies, but also of phenomena like Rydberg atoms, the Josephson effect, and coherence in superconductivity and superfluidity. In fact, Laszlo's QVI scheme can be understood to be squarely grounded on the dictum of renowned physicist, John Wheeler: "vacuum physics lies at the core of everything."[3]

The "QVI scheme of constant universal interconnection" also offers explanatory power to a number of anomalies in cosmology.[4] But it also is rationally inconsistent in some respects with the cosmology that clearly exists in Reformed interpretations of the Bible. The big problem with the "multicyclic QVI scenario" is that it claims that the universe is a perpetual cycle.[5] It thereby either presumes self-creation or presumes that the physical universe has a perpetual existence the same way God has a perpetual existence. The idea that something can create itself violates the logical law of non-contradiction, because nothing can exist and not exist at the same time and in the same sense. The presumption that the physical universe has a perpetual existence, like God, is a veiled claim that pantheism is the truth, while monotheism is false. Reformed monotheism holds that God is both transcendent and immanent. In contrast, pantheism holds that everything is god, which implies that god, if there is a god above all the other gods, is purely immanent. So Laszlo's cosmology is also biased towards a religious posture characteristic of Hinduism and Buddhism. It thereby fails to recognize the epistemological distinction between eternal law and natural law, and that humans, being finite, are incapable of the omniscience necessary to grasp transcendent eternal law.

Laszlo's chapter, "QVI in Biology", focuses mostly on the implications of the QVI thesis for various conceptions of biological evolution. Laszlo therein offers some improvements over the Darwinian and neo-Darwinian conceptions

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1 Porter, **Theodicy**. — URL: http://BasicJurisdictionalPrinciples.net.

2 Einstein and Infeld, p. 112.

3 Laszlo, **Interconnected Universe**, p. 60, quoting "Wheeler, Quantum Cosmology, *World Scientific*, L.Z. Fang and R. Ruffini (eds.), Singapore 1987."

4 Laszlo, **Interconnected Universe**, pp. 60-69.

5 Laszlo, **Interconnected Universe**, p. 66.

of biological evolution. The Darwinians appear to be preoccupied with "natural selection" as though chance again exists in nature. The claim that chance exists in nature has already been debunked. So no more time will be spent here on that. Laszlo's conception of QVI is like Musser's claim that the universe is a giant layer cake, one layer being indeterministic and the other layer being deterministic. So Laszlo's conception of the interface between QVI and biology is an improvement over Darwinian chance, but it is still a long way from compatibilistic determinism.[1]

It's common knowledge that there has been a long-standing dispute between academic conceptions of human origins and the conception presented in the first few chapters of Genesis. The complexities involved in that debate are far outside the scope of this booklet, but there are a few things that should be said in passing. Young-earth creationists generally claim that humanity did not evolve out of the primordial slime, but was created precisely as a face-value reading of Genesis indicates. In contrast to this, old-earth creationists generally understand that the early chapters of Genesis present the guiding principles for understanding how God created the universe and humanity, but they are generally open to the possibility that the Genesis narrative is compatible with God's use of primordial slime and biological evolution as mechanisms through which He eventually created creatures made in His own image. This latter idea is sometimes called "theistic evolution", and it has had a mixed, but mostly negative reception among Reformed Christians. On the other hand, largely reliable Reformed theologians like B.B. Warfield have posited the compatibility of Christian theism and biological evolution. His conception of such compatibility has not been well received either among Christians or among scientists. No doubt this particular subject needs more thorough work both on the biological end and the biblical end. At least Warfield was willing to take a stand for biblical veracity and inerrancy in this particular subset of the book of nature. He didn't just abandon the field or capitulate, like many other Reformed theologians have done.

Laszlo includes in his examination of the interface between QVI and biological organisms, "two major instances of organic generation and regeneration: embryogenesis, and neurulation (the genesis of the nervous system)".[2] Regarding embryogenesis:

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1 To Laszlo's credit, he recognizes that, "these assumptions – the randomness of mutations and the insulation of genes from environmental influence [(meaning the doctrine of 'separation between soma and germline')] – have been falsified by empirical findings in molecular genetics". — Laszlo, **Interconnected Universe**, p. 74.

2 Laszlo, **Interconnected Universe**, p. 81.

> In the present interpretation, it is the holofield of the quantum vacuum that acts as the morphogenetic field. Given that the cellular growth-system is significantly chaotic … the information encoded at the vacuum level can be called upon to account for the precise regulation of the growth and differentiation of the embryo.[1]

So in spite of whatever flaws the QVI scheme has, it is an idea that deserves to be worked on and improved, rather than discarded entirely. The hope for transdisciplinary unification demands this zero-point field. Otherwise, not only all the subfields of the natural sciences, but also the relationship between the book of nature and the book of special revelation is left completely vague if not void. — "In the case of neurulation the requirement for field-guidance is just as pronounced."[2] The quantum vacuum, zero-point, holofield acts to guide the generation of structure of the embryo, and it also guides the growth of neurons.

The final chapter in Laszlo's presentation of the foundations of his transdisciplinary unified theory is "QVI in the Cognitive Sciences". In it, he states that "According to the Western scientific tradition, everything that we perceive comes to us through the senses. This is the basic tenet of classical empiricism, but it is not necessarily true."[3] He goes on to describe evidence of extrasensory perception, telepathy, near-death experiences, past-life experiences, altered states of consciousness, psychokinesis, and similarly uncommon phenomena from parapsychology research. In the process, he makes sure that he links his QVI thesis to his discussion of these phenomena. In one of the "supplemental studies" at the back of the book, Laszlo mentions the "Akashic record".[4] This is another hint at where Laszlo is headed with his transdisciplinary unified theory. Laszlo also discusses the Akashic field at length in one of his subsequent books, **Science and the Akashic Field**.[5] *Akasha* is a Sanskrit word for "ether", and it was introduced into the lingo of the Theosophical Society by the founder of that society, Helena Blavatsky (1831-1891). The centrality of the Theosophical Society to the modern occult is an issue to be covered shortly. The point here is that Laszlo's conception of the zero-point field, quantum vacuum, quantum / vacuum interaction, QVI, *etc.*, is identified with the Akashic field. He is positing the existence of something that is central to Buddhist and Hindu religious

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1 Laszlo, **Interconnected Universe**, p. 81.

2 Laszlo, **Interconnected Universe**, p. 82.

3 Laszlo, **Interconnected Universe**, p. 88.

4 Laszlo, **Interconnected Universe**, p. 135.

5 Ervin Laszlo, **Science and the Akashic Field: An Integral Theory of Everything**, 2004 / 2007, Inner Traditions.

beliefs. The expression, "Akashic record", is essentially equivalent to the holographic feature of Laszlo's vacuum state.

No one should be surprised that Laszlo used scientific phenomena to propagate eastern religion. Science needs something around which to organize its plethora of phenomena, and these eastern religions are handy templates readily acceptable to most Copenhagenists, because of their mutual commitments to complementarity. But this Akashic idea needs to be flogged some in order to get it to satisfy needs for more realistic unification. — It's important to note a few fundamental subjects that Laszlo's TUT failed to include. Laszlo organized existing scientific information to lead directly to Hindu cosmology. But it's not insurmountably difficult to add similar scientific facts to the compendium of facts used by Laszlo, to lead directly to a Christian cosmology, even a Reformed Christian cosmology. The foundation for such a Reformed cosmology exists in Part I of Porter's **Theodicy**.[1] Some of the big differences between Laszlo's TUT and the theodicy are that, in the theodicy, (i)each human is understood to have one life, not a cycle of reincarnations; (ii)humanity in general is understood to be in a chronological progression from a state in which all humans compulsively violate natural law to a state in which humans never violate natural law; (iii)each human is assumed to be localized in space and time and therefore finite, while no such assumption is inherently part of the Hindu / Buddhist cosmology; (iv)while Laszlo presumes a perpetually existing universe, the theodicy does not, because that would conflict even more drastically with Bible-compatible cosmology than the so-called "big bang theory"; and (v)a number of other big differences. This emphasis on humanity's existence in space and time contrasts with the emphasis in Hinduism and Buddhism on unity of the individual with the Akashic field. Assuming that something like the holofield genuinely exists, it's reasonable for Bible-believing people to believe that it's God's will for them to accept its existence as one of the gifts that God gives to His people. As has already been argued, human perception is distinguishable into three fields, the **physical**, the **psychic**, and the **Spiritual**. As long as people understand that their perception of this holofield is not perfect, because all humans other than Jesus the Messiah are fallible sinners, and assuming that the holographic feature of this zero-point field actually exists, people should not be constrained to abide by a materialistic worldview, and people should be able to recognize that they are inevitably living within this zero-point field, as surely as it's a biblical fact that God is both transcendent and immanent. So the existence of the zero-point field, even with many of the traits attributed to it by

1 Porter, **Theodicy**, Part I, "Science and Bible". — URL: http://BasicJurisdictionalPrinciples.net.

Laszlo, should be considered a possibility, as long as the fundamental features of Reformed Christian cosmology are taken as unassailable.

(e) Conclusion Regarding What Genuine Science Is: Genuine science must obviously incorporate rationally consistent theories that contain falsifiable hypotheses. In physics, such theories and hypotheses must necessarily include mathematical models. But in order to keep science genuine, there are meta-scientific, epistemological premises that are crucial. Four of the most basic of such premises are these:

1. the law of non-contradiction;
2. the law of causality;
3. the basic (although not perfect) reliability of sense perception; and
4. the analogical use of language.[1]

Other meta-scientific premises are scattered throughout this subsection on what constitutes genuine science.

As indicated above, there are time lags between scientific discoveries, conversion of such discoveries into technology, implementation of such technology within the economy, and adoption of changes in worldview implicit within such discoveries and technology by the general population. Einstein was convinced that the presumption of "unalterable objects" that was embedded in classical physics was being overturned by the combination of Maxwell's field equations, the theory of relativity, and the unified field theory that eluded him. The fixation on unalterable objects has been a major support to philosophical materialism.[2] If the unified field theory had been discovered, then perhaps philosophical materialism would have been struck a devastating blow. (On the other hand, what's the advantage in replacing a physicalist monism with an occultist monism?) As Einstein admitted, the advent of quantum physics diverted the pursuit of the unified field theory, because quantum mechanics was "still based on the two concepts: matter and field".[3] So the ultimate undermining of philosophical materialism would need to wait. In many respects, the world has been waiting ever since the 20s and 30s. Based on all the discoveries of the natural sciences, the world has been overwhelmed by a juggernaut of technological change. But this 20th- and 21st-century juggernaut is not marked by major scientific

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1 Porter, **Theodicy**, p. xi, referencing Sproul, **Defending Your Faith**, p. 29. — URL: http://BasicJurisdictionalPrinciples.net.

2 As distinguished from economic materialism, which has different foundations.

3 Einstein and Infeld, p. 293.

discoveries like those of Newton, Maxwell, and Einstein. It is based more on the conversion of such discoveries into technology. The Copenhagen model may have been ingenious, but in some respects it compounded the diversity at least as much as it unified it. The technology that has arisen out of it has been astonishing in many respects. But the ideas implicit in the Copenhagen model have also permeated the culture at large with violations of the premises cited above. To counteract this cultural confusion coming out of scientific labs and lecture halls, there's a desperate need for what Laszlo calls a TUT. Unlike Laszlo's TUT, a Reformed TUT would need to explain all the extraordinary phenomena performed by Jesus the Messiah, including things like spontaneous creation of thousands of meals, raising the dead, walking on water, calming a storm, the virgin birth, the Transfiguration, and many others.

All the many shortcomings of modern physics don't mean that modern physics is not one of the genuine sciences. Since Newton, genuine scientists have often had bad theology. Within Reformed Christianity, there need to be limits on how bad a genuine scientist's theology is, and when those limits are broken, Reformed people should not support the scientist's work. But there are different limits for genuine scientists within the *secular* arena of an aspiring natural-rights polity. It should be common knowledge that there are limits to Occam's razor's propensity to eliminate God from theories by always refocusing the attention on secondary causes. Modern physics is demonstrating violations of those limits in abundance, and the culture at large is prone to follow suit.

In this examination of what constitutes genuine science, the focus has been on physics. But what's generally true of physics is also true of each of the other natural sciences, which include chemistry, biology, astronomy, geology, *etc.* Each of the natural sciences is capable of engendering genuine refinements in the understanding of Scripture, and if not properly bridled by orthodox Bible-based theology, of engendering heresies in abundance. Genuine science should be bridled, but not discarded or treated as inherently heterodox. But this bridling needs to exist within the context of the basic jurisdictional principles expounded above. The social sciences, on the other hand, should be treated as inherently non-scientific, and therefore inherently heterodox, unless they make fundamental changes to their core premises. This is true for reasons that should be evident shortly. — Before going on to draw a clear distinction between genuine science and scientism, it's important to re-examine syncretism, so that it's clear that that's not what's being recommended here.

(2) Syncretism

One of the big mistakes that modern science is making is its elimination of Christian metaphysics from the arena of the formal sciences. For example, the Aristotelian argument for the existence of God, as incorporated by Aquinas in the latter's theology, has been almost completely eliminated from consideration within the scientific arena. It's well known that the existence of God cannot be proved conclusively through observation of **physical** evidence, because God is a Spirit. It's less well known that even the pagan Aristotle proved the existence of God through formal logic. Aristotle's argument was based upon what's now known as the "law of causality". As already indicated, people operating more-or-less within the formal sciences, like Kant, Mill, and Russell, popularized this dismissal of the Aristotelian / Thomist argument, thereby largely causing the law of causality to be squelched in the formal sciences, and subsequently in modern physics. That shows a serious bias against Christian metaphysics from the realm of natural philosophy. But a similar bias against classical Christian metaphysics also exists in the camp of Bible-believing Christians. The latter bias is based on biblical proscription of syncretism, even if such syncretism seems to happen through efforts by saints like Augustine and Aquinas to tame pagans like Plato and Aristotle. This booklet has already addressed this problem to some extent, but should address it again for the sake of keeping the arguments for genuine science and against scientism on track.

Syncretism is verboten in some Christian circles, especially those with special commitments to the Old Testament. Aquinas' argument for the existence of God based on the law of causality appears to be syncretistic, given that it is based largely on Aristotle's argument for the existence of God. To some extent, something similar can be said about Augustine's treatment of Plato, that it appears to be syncretistic. — Syncretism is simply the fusion of different belief systems or religions. It's well known that such blending of beliefs and religions was absolutely forbidden under the Mosaic covenant. Some hermeneutical systems maintain that syncretism is forbidden under the Christian / Messianic covenant as well. But exponents of such hermeneutics have no good explanations for how the Great Commission could proceed without some blending of orthodox and heterodox beliefs. Jesus commanded his followers to "make disciples of all nations … teaching them to observe all that I have commanded you" (Matthew 28:18-20a; **ESV**). Are these newly converted disciples supposed to utterly dump everything they've ever known, in exchange for an immediate download and infusion of covenant knowledge? Both the Bible (such as Acts 15, the Jerusalem Council) and common experience indicate that that's not how it works. People are justified (converted), and then they go through a life-long process of sanctification, where sanctification includes the process of deciphering what about one's native culture is true and compatible with the Messianic covenant, and what

about it is not. This inherently involves some blending of orthodox and heterodox beliefs. But the question remains: Is this blending of orthodox and heterodox beliefs identical to the syncretism that was forbidden in the Old Testament?

When God scattered humanity around the planet at the Babel division, God essentially gave every human society over to idolatry. Idolatry is not an act of eliminating all knowledge about the natural law. It is the act of entertaining a warped, partially false understanding of what the natural law is by having a skewed view of who God is. Within every culture, some natural laws are emphasized in the society's idolatrous practices, and some are de-emphasized. None has an utterly sanctified view of what constitutes the natural law. "Under the providence of God each race or nation has a positive purpose to serve, fulfillment of which depends on relative seclusion from others."[1] But when the gospel comes to such an isolated nation or society, each justified person naturally wants to submit this "positive purpose" to God for the sake of His glory, and for the sake of the individual's sanctification. That's why it's reasonable for Revelation to speak of "a great multitude that no one could number, from every nation, from all tribes and peoples and languages, standing before the throne and before the Lamb" (7:9b; **ESV**). At justification, and during the process of sanctification, God does not expect His chosen people to abandon the "positive purpose" which marks each nation, tribe, language, and clan. He expects them to abandon their idolatry, and only their idolatry, which does not vanish entirely until death or glorification. So blending of orthodox and heterodox beliefs under the Messianic covenant is inevitable because, among other things, of the increased graciousness of the Messianic covenant, which is a necessary aspect of the extension of God's covenants to the ends of the earth. Christ articulated this graciousness in places like the parable of the tares (Matthew 13:24-30). It's inherently a bad idea to ban syncretism entirely, even though it was rightly banned under the Mosaic covenant, because of Israel's especially peculiar "positive purpose".

There is a sanctification process that needs to take place in regard to societies that are in the process of becoming party to the Messianic covenant. That sanctification process is precisely what Aquinas was focused on in regard to Aristotle. And to some extent, Augustine of Hippo had subjected Platonic thought to a similar sanctification process. That doesn't mean that Plato and Aristotle became Christian, or that ancient Greek culture became Christian. It means that the respective belief systems were tamed to some extent, so that they could be useful to the visible Church. A similar taming process needs to be going on in regard to every culture, belief system, and religion. Syncretism is a process of corrupting worship through introduction of false beliefs and practices. In contrast, this kind of sanctification of foreign belief

1 Vos, p. 60.

systems, this taming by saints like Augustine and Aquinas, broadens and deepens worship, and is thereby the opposite of corrupting it. This need for taming extends not only to foreign belief systems, but to natural philosophy and science as well. In a Godly order, all things are subjugated to God. In contrast to this kind of righteous sanctification process, during this era of modern-scourge globalization, the globalists are pitting every culture, belief system, and religion, including science, against the visible Church, in a concerted effort to destroy Christianity for the sake of their fanatical commitment to the Babel syndrome. The same way that Aquinas tamed Aristotle and Augustine tamed Plato, thinking people within the visible Church need to tame genuine science. But this process of taming genuine science needs to be distinguished from giving quarter to scientism. Because scientism is a weapon of the globalists, those opposing scientism, and following basic jurisdictional principles in the process, should give it no quarter, other than what's necessary under such jurisdictional principles.

(3) Scientism

In their **Evolution of Physics**, Einstein / Infeld said the following about genuine science:

> In the whole history of science from Greek philosophy to modern physics there have been constant attempts to reduce the apparent complexity of natural phenomena to some simple fundamental ideas and relations. This is the underlying principle in all natural philosophy.[1]

The attempt "to reduce the apparent complexity of natural phenomena to some simple fundamental ideas and relations" should be seen as an admirable enterprise by any Christian genuinely concerned about being a good steward of God's gifts. In contrast to this, in general, any attempt to reduce the apparent complexity of human beings and human relations to some simple set of ideas and relations should be viewed with cynicism. Why? While its wise to be aware of who people are and what they do, and even to be committed to basic jurisdictional principles, it's not so wise to classify humans with bugs, atoms, stars, and rocks, with which one can meddle with apparent impunity. For humans to turn other humans into objects, albeit objects of study, is an enterprise historically that has been used by jurisdictionally dysfunctional governments to keep their populations subjugated. In fact, all of the social sciences have been used in this way in the past, especially during the last century. People should not be treated like things that don't have natural rights. People who are eager to migrate the agenda of natural philosophy out of the arena of

1 Einstein and Infeld, p. 52.

natural phenomena and into the arena of social phenomena need to be queried: Do you fully acknowledge that the objects of your study have natural rights every bit as much as you do? Generally, people committed to conversion of fields historically within the humanities into sub-fields of the social sciences have never honestly answered this question in the affirmative.

Although fields like history, jurisprudence, psychology, and economics may have ancient roots, some philosophers since the so-called "enlightenment" have attempted to make these and other sub-fields of the "social sciences" follow the same pattern as the natural sciences. Their efforts have almost never shown a commitment to natural rights. It's therefore necessary to conclude that these fields, as they have developed since the 18th century, are severely contaminated with this propensity to ignore and violate natural rights. This doesn't mean that everyone who has worked in these fields over the last two centuries has this contamination. Some people are exceptions. For example, Rothbardian economics certainly doesn't have this problem. There may be other exceptions. But the general rule stands: The social sciences are not sciences, and when they presume to be such, it's a sign that they are offering themselves as tools of population control to the jurisdictionally dysfunctional state.

The corruption of the ancient fields that are now encompassed by the so-called "social sciences" was magnified by the work of Auguste Comte, as indicated by this quote from Patrick Wood's book, **Technocracy Rising**:

> The Frenchman Auguste Comte (1798-1857) is known as the father of modern sociology and was the founder of Positivism, a philosophy that was very popular in the late 1800s. Comte … [claimed] that the only authentic knowledge is scientific knowledge. This naturally discarded all notions of absolute truth based on the Bible and metaphysical truth based on man's imaginations. Comte believed that his "science of society" could be discovered and explained by applying the Scientific Method in the same manner as it was applied to physical science.[1]

One major difference between Comte's conception of the scientific method and the conception used in the natural sciences is this: In order to apply the rigor of the natural sciences to the so-called social sciences, it's necessary to eliminate consideration of natural rights, because natural phenomena lack natural rights. So why should humans have them? — In keeping with this inherent bias in the "social sciences", "Positivist" approaches to the sub-fields of the social sciences have been undertaken largely for the sake of eliminating the influence of biblical Christianity

1 Patrick M. Wood, **Technocracy Rising: The Trojan Horse of Global Transformation**, 2015, Coherent Publishing, pp. 11-12.

from the *secular* arena. Because of the jurisdictional dysfunction of the visible Church over the last couple of centuries, this effort to drive biblical Christianity out of the *secular* arena has pros as well as cons. On the pro side, this drive has been a *de facto* demand to Christians for them to take better heed of biblical jurisdictions. On the con side, this agenda of driving Christianity out of the *secular* arena is crucial to the globalist agenda and is inherently a threat of global tyranny.

Comte was the primary student of political philosopher, Henri de Saint-Simon. Wood gives a reasonable appraisal of Saint-Simon's last work, **The New Christianity**, by saying the following:

> Saint-Simon's "New Christianity" saw a pressing need to replace historical Christianity with a secular humanist religion where scientists and engineers would constitute the new priesthood.
>
> …
>
> Saint-Simon's New Christianity not only redefined the object of worship – science instead of God – but also the priesthood that would serve this new god. However, this same scenario has played itself out innumerable times in the Old and New Testament. When the One God of the universe was seen as abandoned, idols and false gods were created to replace Him and to provide various ill-defined benefits to would-be worshipers.[1]

The key difference between *secular* humanism and Christianity is that *secular* humanism attempts to bifurcate the core of Christianity. The core principles of Christianity are that people are generally called to love God, and based upon that love for God, to love other people as well. All people are created in the image of God; so all people are generally called to first love God, then to love the image of God in other people. *Secular* humanism attempts to eliminate God from this picture, and to encourage people to honor and love one another without any regard to God. This is like asking people to love one another without any good reason. *Secular* humanism therefore offers no rational foundation upon which to build a functional society. Regardless of how sophisticated science may get, it can never offer a sound reason for recognizing the inherent dignity of human life unless it first includes the undeniable existence of God in its reasoning. The same limitation applies to *secular* humanistic reasoning regardless of whether it offers arguments from science or not. The reason science, as defined herein, has this limitation, is because science is by definition limited to the exogenous and endogenous legs of the natural-law tripod. There inherently needs to be a distinction, but not a separation,

1 Wood, **Technocracy Rising**, pp. 7-8.

between these two legs and the ethical leg of the natural-law tripod. The ethical leg demands recognition of God's existence, and it demands that humans recognize that all humans bear the *imago Dei*. To do otherwise eliminates all considerations of human dignity. So regardless of Saint-Simon's intentions, his attempt at replacing Christianity was a *de facto* attempt at eliminating natural rights. Comte carried on his mentor's agenda by concocting social theories that formed his so-called "Religion of Humanity". "Like Saint-Simon, Comte also placed a large focus on religion by creating the 'Religion of Humanity', which some called 'Catholicism plus science' and others called 'Catholicism without Christ[ianity]'.[1]"[2]

Scientism and the social sciences are obviously two different things. But scientism is a set of ideas, a value system, that inherently attempts to convert the fields encompassed by the social sciences into an ideological mold that inherently distorts them. Scientism also operates in the theory-concoction-and-distortion arena of the natural sciences. The latter is largely an inevitable part of genuine science, and it's in the nature of genuine science to flog scientism as needed. But generally genuine science cannot adequately flog the social sciences at the present time, because they exist totally outside the domain of genuine science. So there needs to be some other way to flog the social sciences. Ideological defenders of the natural-rights polity should be wary of scientism regardless of whether it appears to pertain to genuine science or social sciences. This is because of the core principles of scientism, namely, "positivism".

Positivism holds that all true knowledge comes only through the **physical** senses, and is therefore experiential and empirical. Such knowledge has historically been framed as *a posteriori* knowledge because such knowledge results from empirical evidence, such knowledge arising after sensory experience. Facts of the natural sciences are always of this *a posteriori* type. Historically, *a posteriori* knowledge has always existed in contrast to *a priori* knowledge. *A priori* knowledge is knowledge that is supposedly independent of sense experience; it's true regardless of **physical** evidence. For example, mathematical equations (10+2=12) and logical tautologies ("Today, it will either rain or it will not rain.") are true regardless of the evidence, and therefore true prior to the empirical evidence. — Comte is generally credited with being the founder of modern positivism. So this positivistic belief that only *a posteriori* knowledge is real knowledge is generally linked to scientism. Positivism thereby rejects the validity of knowledge that arises out of special revelation. Likewise, it rejects knowledge that presumably arises out of the non-**physical** senses. But

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1 Embedded footnote: "[William] Arthur, **Religion without God and God without religion** [*sic*], [vol I,] (London: Bemrose & Sons, 1885), p. 142."

2 Wood, **Technocracy Rising**, p. 15.

scientism, as it's used by the globalists, is mostly geared to refute Christianity in any and every way possible, and it's not particular in regard to arguments about *a priori* versus *a posteriori* as long as it's aimed squarely at eliminating Christianity.

Because positivism limits what it contends is true knowledge to knowledge that comes through the **physical** senses, it eliminates knowledge claims that arise out of the **psychic** and **Spiritual** fields of perception and action. As has already been demonstrated above, the Bible contends that such **psychic-** and **Spiritual-** based knowledge exists. **Psychic** knowledge could at times be delusional, while genuine **Spiritual** knowledge is always true. For any given human being to be whole and healthy mentally and physically, it's necessary that none of these fields of sense perception be deliberately and permanently closed and disabled. On the other hand, genuine science can only happen as it pertains to repeatable experiments. Repeatable experiments can only pertain to phenomena readily observable by anyone with normal abilities to perceive. This automatically eliminates **psychic** and **Spiritual** phenomena from the arena of genuine science because the normal fallen human's **psychic** and **Spiritual** senses are closed, or at least corrupted. Although that closed trait doesn't inherently impede genuine science, it does impede the mental and physical health of the fallen human. Because positivism actively propagates this closed trait of the **psychic** and **Spiritual** senses out of the natural scientist's laboratory and into the lives of non-scientists, under the pretense that this closed trait is good, positivism is an inherently sick philosophy. If positivism confines itself to the realm of the natural scientist's laboratory, that's good, because that's where it belongs. If positivists insist on using free-market mechanisms to propagate their beliefs, then under the *secular religion*, that's acceptable. But if positivists use force and fraud, including corrupt governmental mechanisms like publicly funded schools, to propagate their beliefs, then that violates the *secular religion*.

> Scientism takes Positivism to an extreme by claiming that science alone can produce truth about the world and reality. As such, it is more radical and exclusionary than Positivism. Scientism rejects all philosophical, religious and metaphysical claims to understand reality, since the truth it portends cannot be validated by the Scientific Method. Thus, science is the absolute and only access to truth and reality. Scientism is often seen overstepping the bounds of provable science by applying the Scientific Method to areas that cannot be demonstrated, such as evolution, climate change and social sciences.[1]

Evolution and climate change are theories within the natural sciences. Fundamentally, so are theories of everything and transdisciplinary unified theories like Laszlo's.

1 Wood, **Technocracy Rising**, p. 12.

This quote from Wood's book verifies that scientism, especially as it's being used to promote global government and global religion, is using both the natural sciences and the social sciences. For reasons already given, the social sciences need to be treated as seriously warped and not sciences at all, and the natural sciences need to be treated as seriously incomplete. And to whatever extent exponents of scientism are violating the *secular religion* by using the jurisdictionally dysfunctional governments, they need to be stopped.

"Scientism associates itself with empirical science in order to gain credibility, but it uses pseudo-science to trick adherents into believing something that is false."[1] The pseudo-science arises primarily out of three places: (i)out of the "social sciences" by treating humans as nothing more than **physical** phenomena; (ii)out of the natural and formal sciences by way of theories that purport to be scientific but are not, either because they have been falsified or because they lack falsifiable hypotheses; and (iii) out of extra-biblical religions that are being promoted under the auspices of the "social sciences", and also under the auspices of more genuine scientific theories like Laszlo's TUT.

Out of late 19th-century scientism and positivism arose a movement called "technocracy". It became a nationwide, and even international, movement during the 1930s, and was largely forgotten during WWII. But it was popularized again among globalists when Zbigniew Brzezinski published **Between Two Ages: America's Role in the Technetronic Era** in 1970. "Technetronic" is essentially a euphemism for technocratic.

> In order for Technocracy to succeed, it is necessary to have in place a comprehensive system for the orderly management of all humans and all facets of societal operation. This includes the economic, political, social and religious. … [T]hese areas must not be merely compatible; they must be so thoroughly entangled with each other that distinctions among them will not be obvious to their subjects.[2]

Both technocracy and Brzezinski's technetronics require migration of scientists and engineers ("technocrats") into leadership of power centers usually reserved to municipal politicians (these days meaning any politicians). Such technocrats would then disburse government's resources in an extremely measured way. Although the technocracy movement never identified itself with communism, it necessarily requires that technocrats have control of the means of production and consumption, like Marxism. Brzezinski's book motivated David Rockefeller to hire Brzezinski, and

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1 Wood, **Technocracy Rising**, p. 116.

2 Wood, **Technocracy Rising**, p. 5.

together they started the Trilateral Commission, one of the notorious organizations set up by and for the globalist agenda. This is one of the vehicles through which this kind of pseudo-science has become such a prominent part of the globalists' agenda. But as indicated above, the most prominent vehicle for the propagation of such pseudo-scientific global religion is the United Nations.

(4) Conclusion

One of the central themes of William Jasper's book, **The United Nations Exposed**, is that the UN is fervently promoting "one-world religion".

> Only a person totally deaf and blind could fail to notice the incredible occult, New Age, and neo-pagan explosion that has been rapidly transforming the Americas and Western Europe into what the advocates of global change gleefully refer to as "post-Christian civilization." …
>
> What very few … Americans realize is that this hideous "spiritual transformation" is tied directly to the United Nations, where the one-world architects intend to enthrone their planned New World Religion. …
>
> Religious leaders and adherents of all sects are being aggressively evangelized to adopt the UN's new "global ethic," a gooey melange of religious syncretism, environmentalism, socialism, and militant secular humanism. …
>
> As more and more people adopt this new "planetary consciousness," the one-world Insiders know that support will grow for:
>
> - global disarmament, for both individuals and nations
> - world government
> - paganism
> - environmental extremism
> - socialism and Communism
> - religious persecution, in the name of "tolerance" and combating "hate"[1]

So it becomes obvious that the decline of Christendom relates directly to scientism, positivism, and the globalists' fervent promotion of every religion and ideology that could possibly compete with Christianity.

Under both the global covenant and the 1st Amendment's religion clauses, "religion" includes paganism, animism, and all of humanity's diverse religions

1 Jasper, **United Nations Exposed**, pp. 236-237.

including scientism, positivism, and Comte's "Religion of Humanity". As long as all these various beliefs and practices are obedient to the *secular religion*, they can co-exist in peace with one another under the *metaconstitution*. But the fact that none of these beliefs, other than the biblical Christianity that arises out of this particular hermeneutical system, has a genuine commitment to natural rights and the *secular religion*, says that none are ready for the *metaconstitution*, even though all may be eager for globalization. In fact, some of these belief systems aren't merely wrong-headed. Some are downright evil. In fact, one of the religions most closely related to the United Nations fits into this evil category. But being evil doesn't inherently violate the *secular religion*. But to whatever extent it violates the *secular religion*, such evil deserves to be treated with blind justice. — "Helena Petrovna Blavatsky (1831-1891) … founded the Theosophical Society in New York in 1875."[1] An early brochure of the Theosophical Society contains the following statement of its mission:

> To oppose … every form of dogmatic theology, especially the Christian, which the Chiefs of the Society regard as particularly pernicious … [2]

In keeping with this mission, Blavatsky "cursed the God of the Bible as 'capricious and unjust.'" To her, the God of the Bible was nothing more than "a tribal God and no more".[3] According to Madame Blavatsky, Lucifer was God and the entity most people understand to be the God of the Bible was evil. A classic case of calling evil good and good evil. According to her:

> Once the key to Genesis is in our hands, the scientific and symbolical Kabbala unveils the secret. The Great Serpent of the Garden of Eden and the "Lord God" are identical.[4]

"In the Blavatsky scheme of things, Satan is God the Creator, the Savior, the Father; and Jesus Christ is 'the first born brother of Satan.'"[5]

> After she [(Blavatsky)] passed away in 1891, the mantle of leadership for the worldwide theosophical movement fell to

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1 Jasper, **Global Tyranny**, p. 213.

2 Constance Cumby, **The Hidden Dangers of the Rainbow: The New Age Movement and Our Coming Age of Barbarianism**, 1983, Huntington House, Shreveport, LA, p. 45. — Quoted by Jasper, **Global Tyranny**, p. 213.

3 Tal Brooke, **When the World Will Be As One**, 1989, Harvest House Publishers, Eugene, OR, pp. 175-76. — Quoted by Jasper, **Global Tyranny**, p. 214.

4 Tal Brooke, **When the World Will Be As One**, 1989, Harvest House Publishers, Eugene, OR, pp. 175-76. — Quoted by Jasper, **Global Tyranny**, p. 214.

5 Jasper, **Global Tyranny**, p. 214.

> Annie Besant, a militant feminist, and a member of the Fabian Socialist Society of England. …
>
> Besant was followed by Alice Bailey, who together with her husband, Foster Bailey, constructed much of the foundation of what is now known as New Age religion. Unabashedly acknowledging their demonic sympathies, they launched Lucifer Publishing Company, which published the theosophical periodical *Lucifer*. … [T]hey [later] changed the name to Lucis Publishing Company. … The Lucis Trust, established by the Baileys in 1922, continues to serve as the umbrella organization for a profusion of globalist/New Age/occult organizations and programs that are key catalysts of the emerging new world religion.[1]

One of the primary ways that these facts about the Theosophical Society relate to the United Nations is by way of Dr. Robert Muller (1923-2010), who was Assistant Secretary-General of the UN for forty years.

> Mr. Muller is not some inconsequential UN bureaucrat … He is author of the "World Core Curriculum," now used in many schools worldwide … Muller, who is a self-professed disciple of the theosophist / satanist Alice Bailey, is revered in globalist circles and is one of the most frequently quoted "sages" and architects of the UN's new world religion.[2]

The fact that Muller is the author of UNESCO's World Core Curriculum, and the fact that over half the States of the *united States* have adopted the "Common Core State Standards Initiative" (a.k.a. "Common Core") should be juxtaposed. Common Core was based on World Core. World Core was written by Muller, a long-time high officer of the UN, who also happened to be a staunch devotee of theosophy.

> At the beginning of his World Core Curriculum Muller states that his underlying philosophy "is based on the teachings set forth in the books of Alice A. Bailey by the Tibetan teacher Djwahal Khul and the teachings of M. Morya." This is quite an admission considering that Mrs. Bailey's exalted position in the occult Theosophical firmament is second only to that of Theosophy founder and high priestess Madame Blavatsky. Bailey, who alleged that Khul and Morya communicated with

1 Jasper, **Global Tyranny**, p. 215.

2 Jasper, **The United Nations Exposed**, p. 4.

> her telepathically, was a rabid Luciferian and founded the Lucifer Publishing Company and the theosophical journal *Lucifer*.[1]

The core globalist religion is the religion of the anti-Christ, and it is being taught to the world's children through UNESCO.[2] This merely scratches the surface of how perverse the UN and the entire globalist movement are in this arena of religion and science. But this peek should be sufficient for the purposes of this booklet. Quoting Wood again:

> Our moral system of Judeo-Christian ethics has been consistently excluded from government, with a seemingly impenetrable barrier placed between church and state and is being replaced with a humanistic religion based on Scientism.[3]

Although this examination of the religious and scientific pillars of modern society, under the auspices of the global covenant, is almost complete, it's important to see how positivism and scientism have impacted two crucial fields that are usually understood to be sub-fields of the social sciences. Both economics and jurisprudence are special cases within the "social sciences", and deserve disclaimers in certain unique respects.

Similar to the way Descartes posited the fact, "I think", as the starting place for his philosophy, Austrian School economists have posited the fact that humans act as crucial to their approach to economics. This approach was essential to the founder of the Austrian School, Carl Menger. Later, Ludwig von Mises first called this approach "praxeology". So praxeology is the deductive study of purposive human action. Although positivism still exists as an intellectual force to be reckoned with in modern society, praxeology has been carried on only in a small subset of the so-called social sciences, specifically, in Austrian School economics. Praxeology has gained a public voice, a voice outside modern academia, primarily through the "libertarian" movement. Although most of the field of economics continues to be heavily influenced by various forms of positivism, the Austrian School, especially that subset of the Austrian School headed by Mises and Rothbard, has not yielded to positivism. In developing praxeology-based economics, Rothbard ventured into areas of economics that had been outside the purview of Mises. He developed economic defenses of natural-law theory and natural-rights theory. That makes Rothbardian economics unique. It's perhaps the only aspect of what's normally

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1 Jasper, **The United Nations Exposed**, p. 5 (footnote).

2 More about Muller: "The Life and Work of Dr. Robert Muller: Unity-and-Diversity World Council Reverend Leland Stewart" — URL: https://www.youtube.com/watch?v=dqPfJzEOxk, retrieved 14 February 2018.

3 Wood, **Technocracy Rising**, p. 115.

classified as the fields of the "social sciences" that has a genuine commitment to natural rights.

As already established, jurisprudence has also had some commitment to natural rights since the Reformation. Otherwise, the **exegesis** of Genesis 9:6 that's based on the jurisprudential genre would not have been possible. In spite of this bright spot in jurisprudence since the Reformation, jurisprudence has largely succumbed to positivistic thinking since the framing of the American founding documents. Following the 19th-century trend towards positivism that grew out of the scientific method, there arose a movement in jurisprudence towards "legal positivism". Legal positivism was founded primarily by English philosophers, Jeremy Bentham (1748-1832) and John Austin (1790-1859). These men were intent upon driving natural-law theory out of authoritative jurisprudence. As formulated by Austin, legal positivism holds the following:

> The existence of law is one thing; its merit and demerit another. Whether it be or be not is one enquiry; whether it be or be not conformable to an assumed standard, is a different enquiry.[1]

This distinction between what human law is, on one hand, and whether a given human law is good or not, on the other, is obvious. It tends to make one wonder why anyone would make a big deal out of it. When people make a distinction emphatic, it's sometimes because they want to change the distinction into a separation. This movement was called "legal positivism" to emphasize the fact that law that exists is posited law. While Bentham emphasized that "*Natural rights* is … nonsense on stilts",[2] because they are purported to be established by God and grounded in divine morality, he and his cohorts emphasized that human law was made by the jurisprudential sovereign, and whatever such sovereign's law is, is.

Although the legal positivists were trying to ride the wave of fashionable science-based positivism, their movement was positivistic only in the sense that it emphasized that real human law is posited law, thus "positive law". These men emphasized the difference between sovereign and subject, and that sovereign is above the law while subject is not. It is therefore a pernicious legal philosophy. Although there's no doubt that natural-law theory as it existed at the time was far from perfect, it did not deserve to be driven into almost complete obscurity, as has happened since the legal community fell in lock-step behind these legal positivists, even as legal scholars

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1 John Austin, **The Province of Jurisprudence Determined**, editor W.E. Rumble, 1995, Cambridge University Press, Cambridge, UK, p. 157.

2 Jeremy Bentham, "Anarchical Fallacies", 1824, **The Works of Jeremy Bentham**, vol. 2, John Browring pub., William Tait ed., Edinburgh, 1843, p. 501. — URL: http://oll.libertyfund.org/titles/bentham-works-of-jeremy-bentham-11-vols, retrieved 3 March 2018.

squirm under its banner. — The problem with legal positivism is that whenever bad ideas become law, people generally treat such bad laws as necessary and good, and they evade openly opposing them. This is because mechanisms for changing laws are minimized, and it gets to be too much trouble to even think about changing them. So even though the depravity of the bad laws may become absolutely undeniable to outside observers, the people who live under such tyranny are prone to the Stockholm syndrome.

In conclusion to this section on religion and science: Philosophical materialism has had a hugely negative impact on society in general and on the visible Church, thanks largely to Babel builders and deranged philosophers and theologians. The Babel builders are using everything money can buy, including science and other religions, to destroy biblical Christianity.

(iv) Economic Systems, Technocracy, & Global Consolidation

In general, economists believe that there is some mysterious disjunction between microeconomics and macroeconomics. The natural-rights-oriented facts of life at the micro level are believed to give way at some point, thereby allowing the dominance of the supposed sovereign-rights-oriented facts of statism at the macro level. This separation is a pernicious prejudice that's built on the supposition that statism is inevitable. As Rothbard put it, "*Micro* and *macro* are not mysteriously separate worlds; they are both plain economics and governed by the same laws."[1] But built on top of this prejudice that they are separate is the positivist myth, the myth that people are capable of being utterly objective about other people by reifying their supposed objectivity with mathematics. As is typical of all the so-called social sciences, these people are merely whitewashing their presumptive objectivity by claiming that they can be objective about people the same way natural scientists are objective about natural phenomena. As already argued, this positivist myth generally warps the facts in the social sciences. But among aspects of the so-called social sciences, there are exceptions to this positivist blemish. As indicated, there is one notable exception in the field of economics. It exists in the school of Austrian Economics, and more specifically in its sub-school of Rothbardian economics. But before examining this radical defense of free-market economics, it's important to have some exposure to the radical opposition, Marxism.

One of the core pillars of Karl Marx's philosophy is "dialectical materialism". Dialectical materialism is Marx's rendition of the Hegelian dialectic. Marx rejected Hegelian idealism, overthrowing it in favor of radical materialism; but he embraced the Hegelian dialectic. The Hegelian dialectic pertains to the way history evolves and

1 Rothbard, **Mystery of Banking**, p. 41.

develops. It can be summarized by saying that the dialectic consists of three stages of development: thesis, antithesis, and synthesis. This is sometimes made more simplistic by claiming that the dialectic consists of problem, reaction, and solution. Both alternative forms of dialectic mark a pattern that the philosophy's adherent presumably sees unfolding in history, or in present reality. It consists of a problem, a reaction, and a solution to the problem, or a thesis, an antithesis, and a synthesis. The emphasis in both Hegel's version and Marx's version is on this three-fold pattern, regardless of what the problem may be. Both say implicitly that all problems are similar in that they all follow this three-fold pattern in their movement towards solution. But things that are similar are never exactly the same. If too much emphasis is on similarities without sufficient attention to distinctions and dissimilarities, then one has a distorted impression of whatever problem one presumably perceives. This is a major indictment against Marxism, by way of the fact that Marx and Engels transformed the Hegelian dialectic into dialectical materialism. This deficiency in Marxism can be seen in its indictment of capitalism. Their indictment genuinely identified numerous real problems in 19th-century economies. But they never got to the core economic problem in crony capitalism, which is in money and banking. The Austrian Economists, especially Rothbard, do a far better job of analyzing and describing the core evil in modern capitalism.[1] In addition to this failure among Marxists to escape the bondage of their abstractions long enough to grapple with real problems, in their abstract arrogance, they also often assume that they can manipulate the problem-reaction-solution process without knowing what the true root issues are that generated the problem in the first place. This defect is exemplified by the Marxist attempt at getting rid of the capitalist price system and replacing it with a centrally planned economy.

Rothbardian economics is built on praxeology instead of positivism or dialectics. It also has a core commitment to natural rights. This makes it unique in economics and in the social sciences in general. Because of these fundamental commitments, it sports no disjunction between microeconomics and macroeconomics. At least in principle, the distinction between micro and macro is seamless because the irrational dichotomy between subject and sovereign doesn't exist. But as already laid out, the Rothbardian solution to the subject-sovereign split, known as "anarcho-capitalism", is too dysfunctional to work unless there is a simultaneous development of jurisprudence dedicated to natural rights. — This section is dedicated to making a cursory examination of the current worldwide economic state of affairs from the perspective of the natural-rights polity, *metaconstitution*, *etc.*

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1 See the section below on money and banking.

Although private property is crucial to the existence of natural rights, the globalists care little about that. According to the **Global Biodiversity Assessment**, a document developed under the auspices of the United Nations,

> *Property rights can still be allocated to environmental public goods, but in this case they should be restricted to usufructual or user rights. Harvesting quotas, emission permits and development rights … are all examples of such rights.*[1]

According to this, rights to **secondary property** are so encumbered that they are almost non-existent. Usufruct is a concept that arose out of Roman law, and is defined as the "right to the use and profits of something belonging to another."[2] This quote from the 1995 GBA essentially assumes that some entity like the United Nations should have absolute ownership of all the land on the planet, and that absolute ownership will be curtailed by this global sovereign only through that sovereign's licensure, permission, and allocation of user rights. So absolute ownership would be denied to ordinary individuals. Accordingly, this global sovereign might deny even ownership of points-of-contact. This means that the ordinary human's life on earth is subject to the whim of the global sovereign. This is essentially a description of global totalitarianism clothed in eco-feel-good green.

This attitude about private property is not unique to the GBA. It is common in UN literature. For example, the following quote is from Carla A. Hills, a Trilateral Commission member who was chairwoman to "the U.S. delegation to the U.N. Conference on Human Settlements (Habitat I)", held in Vancouver, Canada in 1976.[3] Her comments appear in the preamble to section "D. Land".

> Land … cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice. … Public control of land use is therefore indispensable.[4]

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1 **Global Biodiversity Assessment**, 1995, United Nations Environment Programme (UNEP), University Press, Cambridge, UK, Section 12.7.5. — Quoted in Wood, **Technocracy Rising**, pp. 94-95.

2 **American Heritage Dictionary**. — URL: https://www.thefreedictionary.com/usufruct, retrieved 15 May 2018.

3 Wood, **Technocracy Rising**, p. 93.

4 "Preamble to [section D, "Land",] 'The Vancouver Action Plan: 64 Recommendations for National Action,' the United Nations Conference on Human Settlements, Vancouver Canada, May 31 to June 11, 1976." — Quoted in Jasper, **The United Nations Exposed**, p.

This attitude about land is essentially Marxist, even if the UN and the globalists conspire to dress it up in some other kind of clothing. The main body of the same Habitat I document contains the following recommendations:

> **Recommendation D.1**
> **Land resource management**
>
> … Public ownership or effective control of land in the public interest is the single most important means of … achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered.
>
> Land is a scarce resource whose management should be subject to public surveillance or control in the interest of the nation.
>
> …
>
> … Governments must maintain full jurisdiction and exercise complete sovereignty over such land with a view to freely planning development of human settlements.[1]

The concepts of private property and land ownership are at the core of every economic system, pro, con, or some combination of the two. This is clear in the Genesis 9:6 encampment. Marxism is diametrically opposed to the natural-rights polity, largely because of its misanthropic conceptions of land ownership and private property. Any system that doesn't exercise *de facto* recognition of private property and land ownership as core principles, regardless of whether it calls itself fascism, socialism, communism, feudalism, technocracy, or some warped variety of capitalism, is inherently perverted. That's precisely the kind of economic system the UN and the globalists are pushing. Quoting Wood, "Our existing price-based economic system is being reinvented with new and untested 'green' economic theories that decouple resource use from economic growth."[2]

Prices are another fundamental characteristic of free markets. In free markets, the forces of supply and demand determine prices. Economic systems that attempt governmental control of prices, as opposed to allowing prices to be determined by free agents within the free market, are economic systems that are inviting failure. The importance of the price mechanism is one of the findings of Misesian economics

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122. — URL: http://habitat76.ca/2016/06/un-habitat-1976-vancouver-declaration-action-plan/, retrieved 22 February 2018.

1 "The Vancouver Action Plan: 64 Recommendations for National Action," conference report for "Habitat I", "Recommendation D.1 Land resource management". — Quoted in Jasper, **The United Nations Exposed**, p. 122. — URL: http://habitat76.ca/2016/06/un-habitat-1976-vancouver-declaration-action-plan/, retrieved 22 February 2018.

2 Wood, **Technocracy Rising**, p. 115.

that allowed Mises and company to predict the failure of the Soviet Union long before the Soviet superstructure collapsed. Virtually none of the positivistic schools of economics was able to make the same prediction, based on its economic reasoning. Mises' argument was based on what he called the "economic calculation problem", which he first described in an article in 1920, "Economic Calculation in the Socialist Commonwealth". These ideas were elucidated in Mises book, **Socialism: An Economic and Sociological Analysis**, which first appeared in 1922. Nobel laureate Friedrich Hayek also expanded them.[1] The economic calculation problem essentially holds that when prices are not determined by supply and demand, but by force, such as that which is crucial to a centrally planned economy, then reliable knowledge about how to allocate resources vanishes proportionally with such force. So the government that has eliminated the free-market price mechanism has also eliminated its capacity to know how to manage the economy. The result is malinvestment and mismanagement that eventually leads to the economy's collapse.

The reason it's crucial to recognize the importance of the free-market price mechanism, and the importance of this economic calculation problem, is because these UN postures regarding private property and land ownership show that the UN is not interested in promoting free-market economics, and neither are the globalists in general. This means that both are inclined to create the same kind of warped economic system that led to the Soviet Union's demise.

When the Soviet Union officially dissolved in December of 1991, practically everyone in the Austrian School saw it as vivid testimony to the correctness of Mises' description of the economic calculation problem. And many wondered at the time if the "People's Republic of China" would follow the Soviet Union into similar dissolution. But during the 1970s, China adopted a different strategy that would keep the economic calculation problem from applying to the PRC in the same way that it applied to the USSR. To understand why the PRC hasn't dissolved any more than the *united States* has dissolved, even though neither has a pure free market, and therefore both suffer from the economic calculation problem to some extent, it's necessary to keep context. There have been ample predictions of the economic collapse of both the PRC and the US since 1991.

Some economic systems are based on the existence of the state as the primary principle, and they might make allowances for minimally encumbered trade, in some

1 F.A. Hayek, "The Nature and History of the Problem", "The Present State of the Debate", both in **Collectivist Economic Planning**, editor F.A. Hayek, 1935, Routledge & Kegan Paul Ltd, London, pp. 1-40, 201-243. — URL: https://mises.org/system/tdf/Collectivist Economic Planning_2.pdf?file=1&type=document, retrieved 21 February 2018.

respects, within their territorial jurisdictions, as long as such trade doesn't noticeably interfere with the agenda of the statists who run the state. Other economic systems, like genuine capitalism, are based on the existence of every human being's natural rights as the primary principle, and they make allowances for the existence of the state, as long as the state abstains from violation of natural rights. In contrast to the continuum between natural-rights-based systems and state-based systems, the natural-rights polity does not make allowances for the state. This is because the natural-rights polity has its own mechanisms for enforcing laws against violating natural rights, and therefore doesn't need the state. In fact, the natural-rights polity has law enforcement without having the state. Law enforcement is the typical conservative / libertarian American's rationale for the existence of the state. In keeping with the Declaration of Independence, if the state doesn't have laws that protect natural rights, then it fails to have a reason to exist. Regardless of which of these two fundamental kinds of economic systems one considers, the statist kind or the natural-rights kind, if the economic system goes too far toward the statist pole or too far towards the natural-rights pole of the continuum, the result will tend to be social disintegration. But the natural-rights polity is an exception to this rule because it's not on the continuum. Why? In answering that, it helps to admit that the typical American's rationale for the existence of the state is aimed in the right direction, even if it doesn't hit the bullseye. The state exists to safeguard natural rights until a better way is devised to safeguard natural rights, a way that makes the state unnecessary. Because the natural-rights polity safeguards natural rights in a way that makes the state unnecessary, it is the exception to this statism / natural-rights continuum. But it's necessary to admit that at present, the natural-rights polity / *metaconstitution* is at best a goal. Between now and the time that the goal is much closer to being implemented than it is at present, economic activity must continue unabated. So this continuum between statism-based economic systems and natural-rights-based economic systems will continue to apply to American circumstances, and this will be true until *jural societies* and *ecclesiastical societies* that are based on functional *social compacts* can replace the state. Given that these are the circumstances, it's necessary to admit that humanity in general and America more specifically will continue to exist on this statism / natural-rights continuum for some time into the future. This being the case, it's possible to return to considering the relative applications of the economic calculation problem to the Soviet Union, the PRC, and the *united States*, doing so for the sake of understanding the role of economics in the Babel builders' globalization agenda.

The Soviet Union fell because it followed too closely the Marxist-Leninist-Stalinist repudiation of capitalism. Such repudiation was a stultifying denial of private property rights and the individual's right to trade and contract. Although

the PRC was equally Marxist, it was persuaded by circumstances to mollify its commitment to Marxism. This mollification happened by way of economic reforms starting in 1978. To the present, China is ruled by the Communist Party of China. But starting in '78, it has moved from a planned economy, like that of the Soviets, to a "socialist market economy".[1] After the "Great Leap Forward" and the "Cultural Revolution", even party members were tired of economic stagnation and senseless thrashing of the population. There are signs that politicians in China were at least as eager for the "opening of China" initiated in the early 70s by Nixon and Kissinger, as were the Nixon-Kissinger team. The fact that Kissinger was a long-time CFR member, and a close friend of Chase Manhattan Bank CEO, David Rockefeller, shows that there has been a linkage between China and globalist bankers at least since the 70s. The PRC is still at the statist end of the statism / natural-rights continuum, like the USSR, because of its commitment to Marxism. But its leaders learned that utterly squelching capitalism was suicidal. They, like the *united States*, were able to forestall economic collapse by making their inherently dysfunctional system sufficiently inclusive of both the natural-rights impulses and the statism impulses. This is the kind of balancing act that's necessary in deeply corrupt and dysfunctional systems, in order to keep them from collapsing entirely.[2] This is the kind of balancing act that has been a fundamental characteristic of all civilizations and nations in the past. Such balancing is inherently inexact and haphazard. Such balancing is to the natural-rights polity what statistics and probabilities are to classical physics – a mediocre substitute for actually knowing what it takes to make a system work.

Some conservative / libertarian Americans might be incensed at the claim that the US and the PRC have comparably dysfunctional economic systems. For the sake of encouraging such people to face reality, it may help to address this concern from a more face-value biblical perspective rather than from the more abstract perspective of the natural-rights polity. The PRC is obviously based on the existence of the state as its primary principle, while the Declaration and Bill of Rights make it obvious that the US is based on natural rights as its primary principle. By allowing the existence of a "socialist market economy", the PRC is not being entirely faithful to

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1 In fact, without abandoning Marxism, China turned into a "Technocracy", with the help of David Rockefeller, Zbigniew Brzezinski, and other fellows at the Trilateral Commission. Both Marxism and Technocracy are totalitarian systems and are therefore largely compatible. — Wood, **Technocracy Rising**, pp. 201-202.

2 This balancing act has already been examined above, where it's called a "*dynamic equilibrium*". See "The Role of Civilizations", the first sub-chapter in Chapter 10.

its primary principle. The extent to which the US has strayed from its commitment to its primary principle can be understood by considering Revelation 13:17.

Being an apocalyptic vision, Revelation clearly has profound implications for the field of eschatology. Eschatology is outside the scope of this booklet, but this author will concede that he holds eschatological views that are some combination of Jonathan Edwards' **History of the Work of Redemption** and R.C. Sproul's **The Last Days According to Jesus**. With that said, it's important to notice that Revelation 13:17 contains the clause, "no one will be able to buy or sell". It's critical to notice that for many decades, it has been extremely difficult to buy or sell in the US without a social security number. It's certainly been possible for people to buy things with cash, without any such number. But money doesn't grow on trees; so it's necessary to ask where the buyer got the cash. In other words, buying and selling should not be understood to exist one separate from the other. For decades there have been pockets within the American economy in which people have been able to trade via cash in a way that is off-the-books in regard to governmental revenue agencies. Barter has also existed, but it is so inefficient that it's hardly worth consideration. Money is a necessary medium of exchange in buying and selling. Such cash-only, off-the-books businesses are generally understood to operate in the black market. But because such businesses are not inherently illegal, they have really been operating in a legal gray area. These gray-area pockets have been getting smaller and scarcer, thanks mostly to more and more regulatory constraints that have dubious jurisdictional authority backed by guns and jails. Even painters, carpenters, and lawn mowers have been driven more-and-more out of such gray-area pockets and into conformity to licensure laws, permits, and use of SSNs, EINs, *etc.*, *i.e.*, into accepting the mark of the beast. So the US is close to having an economy in which one cannot buy or sell without the mark of the beast. — A more complete presentation of verse 17 says, "he *provides* that no one will be able to buy or sell, except the one who has the mark" (**NASB**). Who's "he"? The context indicates that "he" is the "beast", and it indicates that the beast is a typological entity that is utterly dedicated to statism. What is "the mark"? The mark is something that the beast puts on people, without which people are not able to buy or sell. This is precisely the nature of the American social security number accompanied by licensure, regulations, and countless other constraints. This kind of economic system exists when a government is acquiring totalitarian control of all the money and property within the government's territorial jurisdiction. This is precisely the kind of system that has developed in the US through the Wilson, Roosevelt, and Johnson administrations. Despite seemingly good intentions, these administrations set up this beast system with the help of countless politicians and citizens along the way.

When proud American conservatives and libertarians rid themselves of this beast system and return to primary principles, they might have some grounds upon which to feel superior to the PRC. Until then, they should spend a lot more of their time coming to terms with the rottenness of their own system.

The fatal flaw of statists, regardless of whether they're American, Chinese, Russian, or something else, is that they all assume that they can find some happy blending of statism and natural rights (or "human rights" if that's preferred). This is a core assumption of the globalists at the UN as surely as it's a core assumption of the leaders of the PRC and the leaders in American politics. But this assumption is wrong because statism is inherently wrong. It's a toxic substitute for the natural-rights polity, and should be eliminated as soon as possible. — The fact that the natural-rights polity grows from local *religious social compacts* and *secular social compacts*, and is destined to take over the world, should be a sign to anyone who cares that economic systems and governments that are diametrically opposed to the natural-rights polity should be eliminated as soon as possible. Given that a claim like this demands that a massive number of people agree before such elimination is practical, it must obviously start at the local level, but also at the level of people dedicated to living and working within existing systems with the commitment to converting existing systems into systems compatible with the natural-rights polity.

What these circumstances are leading to, at least in the *united States*, is a need for a pincer strategy among people dedicated to the natural-rights polity. The pincer strategy consists of two different approaches to fighting statism: (i)the approach of those dedicated to withdrawing from the statist system as much as possible, working within local, jurisdictionally functional *social compacts*, and doing business on a purely free-market basis; and (ii)the approach of those dedicated to working within the existing beast system for the sake of preserving as much as possible the natural-rights principles around which the beast has wrapped its strangling tentacles. The first group is dedicated primarily to local issues. The second group is dedicated primarily to *metaconstitutional* issues. Both sides of this pincer strategy should be aimed at getting the American system off the natural-rights / statism continuum, and into a genuinely free-market economy.

Most Americans have some understanding of feudalism, fascism, socialism, communism, and the numerous adulterated versions of capitalism. But many may not be as familiar with technocracy. This section will therefore not speak much more about these older kinds of economic systems, but will focus instead on technocracy. Signs indicate that this is now the kind of economic system that the UN is promoting. The globalists like to hide behind ideological opaqueness, so they're not prone to speak of technocracy directly. But given that the Trilateral Commission was built

on Brzezinski's brand of technocracy, and given that the Trilateral Commission has had huge influence on the CFR, the UN, and on globalization in general, it's probable that whatever economic system accompanies technocracy is what's being promoted by the globalists in these days.

According to Wood, "Technocracy is a utopian economic system that discards price-based economics in favor of energy or resource-based economics."[1] While a price-based economic system is based on supply and demand, where free agents set prices according to supply-demand pressures they experience personally, and while this system is inherently compatible with the natural-rights polity,

> Price-based economics … would be replaced with an energy-based system controlled by the distribution and consumption of energy. Consumers would be forced to abandon traditional money in return for energy credits that would be spent to acquire goods and services that are artificially priced based on the energy consumed in bringing those goods and services to the market place. People would work at assigned jobs deemed to be best suited for their education, skills, intelligence and temperament. Thus, the Technocracy would therefore minimize the use of raw materials by assuring maximum efficiency, minimum waste, and reasonable amounts of end-user consumption. Who would decide what is reasonable for your personal consumption? They would.[2]

The kind of economic system that Wood is describing is completely compatible with positivism and scientism. In fact, it is merely the application of measurement standards that are common in the natural sciences to social phenomena, especially the human creation and consumption of energy. In fact, one of the biggest promoters of technocracy before Brzezinski changed its name was M. King Hubbert, the geophysicist who created the theory of peak oil.

The big move among globalists towards "a carbon-based energy certificate that would replace the existing price-based currencies of the world", is not based on new ideas.[3] It was conceived by technocrats during the 30s. Because "sustainable development" and technocracy's "balanced load" are almost identical, this kind of carbon-based energy certificate is schemed to be at the crux of the so-called "green economy". The global banking system is in favor of moving away from nation-state based currencies, and towards a fiat form of currency that they can control from their global central bank. So they want to move away from nation-state-based fiat

1 Wood, **Technocracy Rising**, pp. 2-3.

2 Wood, **Technocracy Rising**, pp. 77-78.

3 Wood, **Technocracy Rising**, p. 156.

currencies and towards a global fiat currency, especially fiat carbon-based energy certificates. These carbon-based energy certificates, which were originally suggested by pre-WWII technocrats, conform perfectly to the more modern environmental movement.

Although the modern environmental movement has its roots in the 60s, it didn't really become a global force until the Rio Earth Summit (UNCED, United Nations Conference on Environment and Development) in 1992. According to Jasper,

> [T]he UN ecocrats are determined to make any property rights they don't abolish outright as "complex, dynamic and shifting" as possible. "We should accept biodiversity [i.e., plants and animals] as a legal subject, and supply it with adequate rights. This could clarify the principle that biodiversity is not available for uncontrolled human use."[1] Translation: We must assign legal "rights" to animals, trees, bugs, bushes, weeds, birds, fishes, even mountains, and then appoint "custodians," "guardians," or "trustees" (all of whom must be watermelon Marxists, of course) to look out for and speak for these rights.
>
> "Contrary to current custom," says the GBA, "it would therefore become necessary to justify any interference with biodiversity, and to provide proof that human interests justify the damage caused to biodiversity."[2] In other words, under this socialist scheme, a "guardian" or "stakeholder" (someone claiming to represent a plant or animal species on the property) can assert a priority right over that of the actual property owner, and force the owner to "prove" that any activity he contemplates for "his" property will not adversely impact the flora and fauna which constitute the "biodiversity" in that "ecosystem."[3]

This is precisely the kind of constraints the globalists are committed to imposing on humanity as a whole. Although there are without doubt legitimate concerns about the environment that anyone committed to good stewardship should recognize, it's critical to simultaneously admit that the UN is pushing such environmental issues, thereby making the UN a giant Chicken Little. In contrast to Chicken Little's "The sky is falling!", God's promise to mankind in the Noachian covenant is, "'I will never

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1 Embedded endnote: "V.H. Heywood (exec. ed.), *Global Biodiversity Assessment*, published for the United Nations Environment Programme (Cambridge, Great Britain: Cambridge University Press, 1995)", "p. 787".

2 Embedded endnote: "V.H. Heywood (exec. ed.), *Global Biodiversity Assessment*, published for the United Nations Environment Programme (Cambridge, Great Britain: Cambridge University Press, 1995)", "p. 787".

3 Jasper, **The United Nations Exposed**, pp. 123-124.

again curse the ground because of man … While the earth remains, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease.'" (Genesis 8:21b-22; **ESV**) The globalist Chicken Little wants to use fear of environmental catastrophe as leverage for imposing global totalitarianism. So,

> Global warming, ozone depletion, deforestation, species extinction, wildlife habitat destruction, resource exhaustion, overpopulation. Since the 1960s, these and a host of other supposed environmental "crises" have exploded onto the world scene, mobilizing millions of people in a global crusade to save the planet.[1]

By way of the Trilateral Commission, all these environmental issues have been spliced with the technocracy movement to create a global, UN-backed mass movement that is impacting practically every aspect of global society.

> The tentacles of Technocracy include programs such as Sustainable Development, Green Economy, Global Warming/ Climate Change, Cap and Trade, Agenda 21, Common Core State Standards, Conservation Easements, Public-Private Partnerships, Smart Growth, Land Use, energy Smart Grid, de-urbanization and de-population.[2]

To this should be added the mass migration, the prime example of which is the mass migration of Muslims into Europe. This is part of the "Global Compact for Migration", also known as the "New York Declaration for Refugees and Migrants", adopted by 193 UN member states in September of 2016. It is aimed at undermining national sovereignty and promoting "multicultural states".[3] This "compact" is an outgrowth of the "2030 Agenda for Sustainable Development". The latter builds on the United Nations Conference on Sustainable Development (UNCSD), held in Rio de Janeiro in 2012, and is also called "Rio+20". — It should be clear that practically everything the UN plans for humanity is built around environmentalism and sustainable development, where sustainable development is equivalent to technocracy's "balanced load". All this entails a neo-Marxian kind of global economic system.

One of the deceptions the globalists are using to sell this radical agenda is what they call "free trade". It's critical to distinguish what they mean by "free trade" from the kind of free trade that exists normally within a genuinely free market. Free trade

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1 Jasper, **The United Nations Exposed**, p. 94.

2 Wood, **Technocracy Rising**, p. xiv.

3 The UN Migration Agency, International Organization for Migration, Global Compact for Migration. — URL: https://www.iom.int/global-compact-migration, retrieved 27 February 2018.

within a free market is not necessarily the same as free trade across borders. The globalists use "free trade" strictly in reference to trade across borders, and largely in opposition to "protectionism". Protectionism is one of the defining characteristics of mercantilism. It is certainly not a characteristic of a free market. But protective tariffs are not the only possible impediment to free trade across borders. — As has been amply explained above, cross-border trade should be allowed as a general rule, but it can never be utterly without constraints. As is clear at the Genesis 9:6 encampment, genuine *secular social compacts* should generally not put constraints on travel and trade between one another, assuming that the *secular social compacts* under consideration are each genuinely committed to the natural-rights polity. On the other hand, it's colossally naive for a genuine *secular social compact* to allow unencumbered importation of goods and people from a foreign, jurisdictionally dysfunctional *social compact* that has no commitment to the natural rights polity. Such a foreign *social compact* is inherently a threat, and should be treated as one. — What the globalists mean when they speak with zeal about "free trade" is the elimination of all trade barriers at borders, the most prominent of which happens to be protective tariffs. When combined with their zeal for unencumbered migration of people across borders, their "free trade" is essentially zeal for the elimination of borders. This is equivalent to the elimination of nation-states. So their zeal for elimination of protectionism is really a facade, a disguise of their commitments to global government, a pretense that they believe in free market economics when they in fact do not.

In contrast to rational precautions of *metaconstitutional secular social compacts*, globalists recommend international "free trade", meaning open borders between all the various dysfunctional *social compacts* in the world. This can be seen in **Agenda 21: Programme of Action for Sustainable Development**, "the original specification for Agenda 21 that was decided at the Earth Summit in Rio in June 1992".[1] According to that book, "the international community should:"

> a. Halt and reverse protectionism in order to … benefit all countries;
>
> …
>
> c. Facilitate … the integration of all countries into the world economy … [2]

1 Wood, **Technocracy Rising**, p. 91.

2 **Agenda 21: Programme of Action for Sustainable Development**, 1993, Chapter 2, "International cooperation to accelerate sustainable development in developing countries", paragraph 10. — URL: http://sustainabledevelopment.un.org/index.php?page=view&nr=23&type=400&menu=35, retrieved 28 February 2018.

Because Agenda 21 has been confirmed and reinforced in subsequent UN "sustainable development" conferences and publications, it's obvious that this agenda from 1992 is still being promoted in 2018. Furthermore, the Trilateral Commission was promoting this agenda well before the 1992 Rio Earth Summit.

The globalists' conception of "free trade" is just one more way to disintegrate nation-state sovereignty in favor of global sovereignty. But that mechanism for globalization is just one of many, more than can be mentioned here. Practically all of them fit one way or another into this technocratic globalization agenda. They intend to minimize agricultural acreage and to drive farmers off their land in the process. They are intent upon lowering the developed world's standard of living, and upon drastically reducing the world's population. The Agenda 21 action plan and the GBA mark these, among "a plethora of others", as unsustainable: "power line construction, harvesting timber, hunting, dams and reservoirs, automobiles, fencing off pasture, private land ownership, grazing of livestock, livestock, electric appliances, rural living, paved roads, railroads," and countless other things.[1]

"A key requirement in the implementation of Technocracy is control over energy, both distribution and consumption. … Howard Scott and M. King Hubbert clearly delineated this in the first two requirements listed in *Technocracy Study Course*:

- *Register on a continuous 24-hour-per-day basis the total net conversion of energy*
- *By means of the registration of energy converted and consumed, make possible a balanced load*[2]

"The technology required to achieve these goals did not exist in the 1930s, but it does exist today. It's called Smart Grid."[3] — Smart Grid may be cool to technology geeks, but its existence is a serious threat to anyone who cares about their privacy, health, and freedom.

> Smart Grid is a broad technical term that encompasses the generation, distribution and consumption of electrical power, with an inclusion for gas and water as well. Smart Grid is an initiative that seeks to completely redesign the power grid using

1 Wood, **Technocracy Rising**, pp. 96-97.

2 Embedded footnote: "Hubbert and Scott, p. 232." — Also appears in: M. King Hubbert, **Technocracy Study Course**, 5th edition, 1945, Technocracy Inc., p. 232. — URL: https://archive.org/download/TechnocracyStudyCourseUnabridged/TechnocracyStudyCourse-NewOpened.pdf, retrieved 28 February 2018.

3 Wood, **Technocracy Rising**, p. 141.

> advanced digital technology, including the installation of new, digital meters on every home and business.
>
> Using wireless communication technology, these digital meters provide around-the-clock monitoring of a consumer's energy consumption using continuous two-way communication between the utility and the consumer's property. Furthermore, meters are able to communicate with electrical devices within the residence in order to gather consumption data and to control certain devices directly without consumer intervention.[1]

The administrative branch of the *de facto* US government is almost entirely in cooperation with the globalist agenda regarding Smart Grid. Part of this agenda is for all electrical appliances and devices to be monitored 24-7 through the "internet of things", which is heavily dependent upon Wi-Fi. This way, the technocrats can turn appliances on or off without regard to the customer's consent. Wise people would rather find ways to have their own private sources of electricity and water than to be subject to such surveillance, intrusion, and disruption.

> Forces are already at work to position a new Carbon Currency as the ultimate solution to global calls for poverty reduction, population control, environmental control, global warming, energy allocation and blanket distribution of economic wealth. Unfortunately for individual people living in this new system, it will also require authorization and centralized control over all aspects of life, from cradle to grave.
>
> What is Carbon Currency and how does it work? In a nutshell, Carbon Currency will be based on the regular allocation of available energy to the people of the world. If not used within a period of time, the Currency will expire …
>
> Because the energy supply chain is already dominated by the global elite, setting energy production quotas will limit the amount of Carbon Currency in circulation at any one time. It will also naturally limit manufacturing, food production and people movement.[2]

The globalists are clearly planning further social consolidation that is reminiscent of feudalism, with them as the ruling aristocracy.

By way of the Federal Reserve, massive economic regulation, interlocking boards of directors, and other mechanisms, the US has been an increasingly fascist country since early in the 20th century. In fact, the process of ***national consolidation***

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1 Wood, **Technocracy Rising**, p. 141.

2 Wood, **Technocracy Rising**, pp. 156-157.

started in earnest when the North defeated the South in the War Between the States. The ***national consolidation*** continued throughout the 20th century, and morphed into an emphasis on ***global consolidation***. While the American nation has been split from its founding forward between loose constructionists and strict constructionists, the *metaconstitution* offers a set of Constitution-interpretation policies that focus on natural rights, and thereby guarantee a genuinely free market. Now, the Babel builders are on the verge of eliminating both the Constitution and all communications conducive to the *metaconstitution*, through high-tech neo-feudalism. Although the Babel builders' agenda is ancient, it has been manifesting itself in recent centuries through numerous seemingly benign organizations. But as Carroll Quigley indicated in **Tragedy and Hope**, the goals of the globalists, and of every one of these organizations, is

> [N]othing less than to create a world system of financial control in private hands able to dominate the political system of each country and the economy of the world as a whole. This system was to be controlled in a feudalist fashion by the central banks of the world acting in concert, by secret agreements arrived at in frequent private meetings and conferences.[1]

The bankers are still crucial to the globalist agenda, but by way of "sustainable development", "carbon credits", "smart grid", *etc.*, the agenda's tentacles are now spread into practically everything.

> The UN-CFR axis is organizing NGOs, churches, educational institutions, labor unions, business groups, and other organizations into a force that it calls "global civil society."[2]

In some respects, "global civil society" "refers to the vast assemblage of groups operating across borders and beyond the reach of governments."[3] Promotion of this "global civil society", all these non-governmental organizations, churches, educational institutions, *etc.*, is one more way for the globalists to undermine nation-state sovereignty. These extra-governmental groups are pawns in the globalists' scheme. Because the people of the global civil society are generally committed to globalist values, to values compatible with Nazi-collaborator George Soros' Open Society Foundations, they and this axis are a major, major threat to Christian civilization. So even many organizations that appear to be Christian churches are following an ideology that is a threat to Christian civilization, like Nazi ideology and communist

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1 Quigley, p. 324.

2 Jasper, **The United Nations Exposed**, p. 80.

3 G. John Ikenberry, book review of John Keane, **Global Civil Society?**, in **Foreign Affairs**, November / December, 2003. — URL: https://www.foreignaffairs.com/reviews/capsule-review/2003-11-01/global-civil-society, retrieved 2 March 2018.

ideology have been such threats in the past, yielding a hot world war and a cold world war. — This should suffice as a summary of the circumstances the visible Church now faces in regard to economic systems and the forces of technocracy and globalization.

(v) Law, Government, & Global Consolidation

A poignant vignette depicting the inadequacy of legal positivism, relative to natural law / natural rights theory, can be seen in the supreme Court's use of the word "absolute" in reference to rights. The expressions, "1st Amendment absolutism" and "2nd Amendment absolutism" express this vignette. The supreme Court has a much longer list of cases pertaining to the 1st Amendment than to the second, so it's reasonable to focus more on the first to manifest this vignette of inadequacy. The meaning of "absolute" in reference to both amendments, and in references to constitutionally recognized rights in general, is the same throughout the supreme Court's "rights" jurisprudence.

The general rule in the *metaconstitution*, and in natural-rights theory in general, is that one person's rights end where another person's rights begin. So one person's right to swing his/her arms around ends when such swinging threatens assault to someone else. People can shadow box all they want, but when shadow boxing threatens damage to someone else's nose, that's where the freedom to shadow box finds its limits. Such limits on natural rights are simple, common-sense, and even elegant. They are an inherent part of natural-rights theory. But legal positivism eliminates natural-rights theory, and eliminates such natural limitations on natural rights simultaneously. Legal positivism presumes that rights are given by the jurisprudential sovereign, and it presumes that one should look no further than to the screeds of the jurisprudential sovereign to ascertain the limits to such rights. Legal positivism, and similar subsequent ideas like "legal realism", gradually replaced natural law / natural rights theory in American jurisprudence after the War Between the States. This made the legal community entirely dependent upon a single question in order to determine what such limits are: What has the jurisprudential sovereign ordained the law to be? If judges, or justices at the supreme Court, cannot find such limits within the sovereign's screeds, then they have no other choice but to make stuff up as best they can, without giving the appearance of relying upon any authority other than the jurisprudential sovereign. So even though the Declaration of Independence and Bill of Rights clearly indicate the existence of God-given rights, mentioning God-given rights has become taboo within the judiciary. There are essentially two explanations for why the legal community adopted legal positivism, rejected natural rights, and adopted this taboo against deference to God. These two explanations correspond to the two fundamental approaches to constitutional

hermeneutics. Before examining these two explanations, it should help to look more at "absolutism" and "balancing". Because the supreme Court has used these ideas in 1st Amendment cases more than anywhere else, the focus will be on the 1st Amendment.

By putting limitations on what Congress can do, the 1st Amendment to the *u.S.* Constitution implicitly recognizes five sets of rights, rights to religion, speech, press, assembly, and petition. If one acknowledges that natural rights exist, then one naturally assumes that each of these rights is limited in the same way that all natural rights are limited, *i.e.*, by the existence of the natural rights of other people. But if one does not believe that natural rights exist, then one consequently has the task of determining what the limits are to such rights according to whatever authority made the law. That's the point at which supreme Court jurisprudence resorts to the distinction between "absolutism" and "balancing".[1] Absolutism says that there are no limits to the given right. In contrast to this, balancing says that the rights must be balanced against the rights of the rest of society. In an inherently statist regime like the USA, the rights of the rest of society automatically translate into the rights of the jurisprudential sovereign. Because the rights of the jurisprudential sovereign are vague, even boundless, when understood outside the context of natural law / natural rights theory, and because absolutism is so obviously silly, this absolutism-balancing dichotomy tends to become a maze of conflicting arguments. This maze of conflict tends to morph into a tool for statists to promote their gross jurisdictional dysfunction. So the very existence of this dichotomy shows the dreadful weakness of positivistic approaches to human law.

Since legal positivism became dominant in the American legal community after the War Between the States, natural rights have been swept into oblivion, and they have been replaced with this positivist, absolutism-balancing canard. This is the current status of natural rights in American domestic jurisprudence. Why has the American legal community chosen to follow legal positivism instead of natural law, to reject natural rights in favor of government-issued rights, and to adopt a taboo against referencing God? Answering this question is a treatise in itself, but the answer can be distilled to two explanations, one good, and one bad. The good and reasonable explanation pertains to the 1st Amendment religion clauses. The justices led the country in this direction to avoid the entanglement of government with religion. They have done this especially since WWII, when establishment-clause cases and free-exercise-clause cases became relatively abundant. Concerns about avoiding the establishment of religion, and avoiding prohibitions against the free exercise of

1 For academic treatment: Henry J. Abraham, "First Amendment Absolutism" and "First Amendment Balancing", **Oxford Companion**, pp. 299-301.

religion, are important and should never be discounted. These concerns explain why the supreme Court has established this taboo against the mention of God in legal argumentation, even though the Declaration of Independence speaks shamelessly of the "Creator", and of the "Laws of Nature and of Nature's God". The Genesis 9:6 encampment has already addressed this concern at length. The conclusion is that within a lawful *secular* jurisdiction, *secular social compacts* exist to enforce the *secular religion*, and only to enforce the *secular religion*. The *secular religion* pertains to the natural, universal prohibition against the initiation of damage by person(s) against other person(s). It says nothing about whether people should believe in God or not, or believe anything else or not. The Court's adoption of legal positivism instead of the *secular religion* led them to resort to arguments about whether rights can be absolute or not. Most have not believed that rights are absolute, which leads them to search for some way to "balance" and limit the rights. Being statists at heart, the justices are naturally inclined to limit rights by balancing them against the rights and needs of the rest of society. Translating, the rights and needs of the rest of society means the rights and needs of the jurisprudential sovereign, *i.e.*, of the state.

Although most religion-clause jurisprudence has developed since the end of WWII, this same line of reasoning applies to all five 1st Amendment rights. It also applies to explaining why the courts moved dramatically away from natural-law theory and towards legal positivism. This movement is being classified as "good" here because it's at least aimed in a good direction, at compatibility with an interpretation of the 1st Amendment religion clauses derivable from the *metaconstitution*. But it's a long way from hitting the bullseye. In fact, it's so much at the disposal of loose constructionism that it turns bad really easily. Strict constructionism within the *metaconstitutional* context leads to understanding of the *secular religion*. Loose constructionism, which inherently eschews the *metaconstitution*, opens the whole country to ***national*** and ***global consolidation***. This latter, loose-constructionist explanation for the rejection of natural law and natural rights, and the adoption of the God taboo, is inherently bad because it's not even aimed in the right direction.

This absolutism-balancing vignette explains the inadequacy of the supreme Court's adoption of legal positivism, but it doesn't explain how this loose constructionism forms a foundation for globalism. Forces of ***global consolidation*** are pushing *de facto* law and government deeper into this jurisdictionally dysfunctional hole. To understand how precarious rights are under the existing system, it's critical to understand that on top of this denial of innate rights, the national and global consolidationists now have a well-established system of governance, both in the domestic US and internationally.

> Governance is a process of regulatory management and does not refer to representative government as it is commonly understood. The regulators are unelected "experts" who answer to no one, as is the case with the European Union, for instance.[1]

The monstrous federal bureaucracy, the monstrous bureaucracies in each of the fifty States, and monstrous bureaucracies in the EU and other economic blocs, are now poised for merger with the monstrous bureaucracy of the UN to form a monolithic system of governance by unelected bureaucrats. That makes the absolute-balancing dichotomy look like a minor problem.

> Our political system of Constitutional Rule of Law is being replaced by a system of autocratic regulations, created and enforced by unelected and unaccountable Technocrats.[2]

These dire circumstances have arisen out of loose construction of the Constitution, magnified by the discarding of natural law theory, and exponentiated by confusion about what rights are.

In January of 1941, President Roosevelt gave a speech to Congress generally called his "Four Freedoms" speech. In this speech, he claimed that "America was looking forward to a world founded upon four essential freedoms: freedom of speech …, freedom … to worship …, freedom from want, and freedom from fear".[3] This claim about "freedom from want" shows that he was conflating two distinctly different kinds of liberty. These two fundamentally different kinds of liberty appear in the Bible, and Bible readers also sometimes conflate them. The kind of liberty that appears in the global covenant and thereby applies to humanity in general is freedom from having people violate other people's natural rights. Freedom of speech and freedom to worship fall into this particular category of liberty. This is based almost entirely upon the *negative duty clause*, and is an essential aspect of the *secular religion*. In contrast to this You-Shall-Not, negative kind of liberty is the Christian liberty that appears in the New Testament. This latter kind of liberty arises out of something far more profound than this negative duty and the *secular religion*. Genuine Christian liberty is purely a gift graciously bestowed by God on His elect. It is purely a function of Reformed soteriology. Beyond soteriology, meaning concerns about salvation, Christian sanctification includes a desire to please God, and to therefore act in accordance with His **preceptive will**. This desire motivates obedience to all of God's commands, which each exist as either a positive or a negative duty. Obedience to these duties increases Christian liberty.

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1 Wood, **Technocracy Rising**, p. 5.

2 Wood, **Technocracy Rising**, p. 115.

3 Quigley, p. 714.

But liberty associated with the *secular religion* and the global covenant is far less grand than Christian liberty. While Christian liberty is associated with obedience to both You-Shall positive duties and You-Shall-Not negative duties, the liberty of the *secular religion* is purely negative. It is liberty FROM something bad, where the bad thing is prohibited with a You-Shall-Not negative command. In Roosevelt's speech, the "freedom of speech" and the "freedom … to worship" both fall into this negative, *secular-religion* category, because they are freedom FROM having speech and worship interfered with by the government, and presumably by anyone else. Roosevelt's "freedom from want" and "freedom from fear" are also freedoms FROM bad things, want and fear. But these bad things are not prohibited by a globally existing You-Shall-Not negative command. Want and fear are inherently part of the human condition. Therefore, any government that claims that it has the capacity to deliver its people from want and fear is a government that's pretending to be God. So this speech by Roosevelt is essentially an open admission that he had been leading the country into brazen Babel building, and intended to do more of the same in the future. The fact that Roosevelt made no distinction between these two distinctly different kinds of liberty surprises no one because his entire tenure as president was marked by the same lack of discernment. In contrast, the freedom in the Declaration and Bill of Rights is entirely negative, which shows that the framers were far more discerning than Roosevelt.

It's critical to bear in mind constantly that the global prescription of human law is entirely negative. It says, Don't damage other people. It's not positive. It doesn't say, Give so-and-so a free lunch. There is no way the welfare state can come rationally out of the global prescription of human law. It's no surprise that after Roosevelt led the establishment of the welfare state in America, he proceeded to be the primary promoter of the UN among the Allies. The UN Charter would contain his kind of liberty, not the framers' kind. If Roosevelt and the UN really were God, this would be fine, because the duties surrounding such liberty would be filled with God's grace. But because neither are God, the duties surrounding such liberty are filled with legalism. This shows up in places like the UN Universal Declaration of Human Rights, as described above. It contains twenty-eight articles that extol human rights, but in Article 29, it makes clear that the preceding twenty-eight are subject to the UN's "purposes and principles". The UDHR shows how all the charters, declarations, and documents of the UN are marked with similar loopholes. This is a fundamental characteristic of the UN and of global governance in general. It fundamentally alters the function of *secular* government from being a protector of rights to being a provider of services. And those services will be terminated as the honchos see fit.

Another document exemplifying the loophole nature of UN documents is the UN International Covenant on Civil and Political Rights (ICCPR). Like the UDHR, the ICCPR is full of good-seeming humanitarian terminology. The US Senate passed this covenant in 1992 with an unrecorded vote. In the words of Senator Jesse Helms, "This covenant … is a step backwards into authoritarianism."[1] This is because, "In the wording typical of that found in the constitutions of communist states, the Covenant acknowledges various rights of individuals, then negates those rights with all manner of conditions."[2] This loophole syndrome contrasts radically with the *u.S.* Constitution. For example, the 1st Amendment states emphatically that "Congress shall make no law … " prohibiting religion, speech, press, assembly, and petition. Nothing in that document does anything to negate that prohibition. In contrast, Article 18 of the ICCPR states:

> 1. Everyone shall have the right to freedom of thought, conscience, and religion. …
>
> …
>
> 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary … [3]

If natural rights were at issue here, rather than the UN's "human rights", then the rights would be limited only by the existence of other humans' natural rights. Instead, these rights are to be limited by the would-be global sovereign. "[W]hat the UN provides with one hand it takes with the other."[4]

If the globalists were haphazard and disorganized, they would be much less a threat. But the fact is that they are extremely methodical and diligent. They are the people in charge of all the major institutions and power centers. The following describes the process they use to implement their agenda:

> "They bring together people at the top of the corporate and financial institutions, the universities, the foundations, the mass media, the powerful law firms, the top intellectuals, and influential figures in the government. They review the relevant

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1 "Senator Jesse Helms in 'International Covenant on Civil and Political Rights,' hearing before the Committee on Foreign Relations, United States Senate, November 21, 1992. (Washington: U.S. Government Printing Office, 1992), p. 2." — Appears in Jasper, **Global Tyranny**, p. 114.

2 Jasper, **Global Tyranny**, p. 114.

3 International Covenant on Civil and Political Rights (ICCPR), Article 18, at the UN "Office of the High Commissioner for Human Rights". — URL: http://www.ohchr.org/Documents/Professionalinterest/ccpr.pdf, retrieved 8 March 2018.

4 Jasper, **Global Tyranny**, p. 107.

> university- and foundation-supported research on topics of interest, and more importantly they try to reach a consensus about what action should be taken on national problems under study. Their goal is to develop *action recommendations* – explicit policies or programs designed to resolve or ameliorate national problems. At the same time, they endeavor to build consensus among corporate, financial, university, civic, intellectual, and government leaders around major policy directions."[1] (Emphasis in original.)[2]

Because Judeo-Christianity has been eliminated from the educational system, the people who rise to the top of all these various secular organizations generally care little or none about maintaining a Christian worldview in what they do. This quote should be understood to pertain not just to ***national consolidation***, but also to ***global consolidation***. In fact, many of these national consolidationists are also global consolidationists. In spite of this massive takeover of institutional leadership in the US, the US has nevertheless managed to remain unencumbered by numerous UN treaties, each of which would be severely detrimental to global progress towards the natural-rights polity.[3] This shunning by the US of these treaties should be understood to be almost entirely the result of this country's heritage. The globalists have been systematically propagandizing and brainwashing against this heritage practically since the country's beginning, with exponentially negative effect as time progresses. The globalists have made huge progress in their agenda, but the *united States* remain the primary obstacle. There are signs that the American population is waking from its slumber. But the damage that's already been done to the American social superstructure is so huge that it will take warrior-like vigilance by major portions of the population, probably for many years into the future, for genuine victory against the globalists to be realized. The following quote from one of Jasper's books on the United Nations should give some appreciation for the extent to which the globalists are meddling in everything: "In his book, *New Genesis: Shaping a Global Spirituality*, [Robert] Muller [(the long-time UN bureaucrat dedicated to spreading the UN's global religion)] recounts how he explained … the myriad activities in which the UN was even at that time (the 1970s) deeply involved:

> "Yes, the UN is concerned with our globe's climate. …

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1 Embedded endnote: "Thomas R. Dye, *Who's Running America?* (Englewood Cliffs, NJ: Prentice Hall, Inc. 1976), pp. 193-94"

2 Jasper, **The United Nations Exposed**, p. 144.

3 A list of these shunned treaties is available here: URL: https://en.wikipedia.org/wiki/List_of_treaties_unsigned_or_unratified_by_the_United_States, retrieved 9 March 2018.

> "Yes, the UN is concerned with the total biosphere through project Earthwatch, the Global Environment Program of UNEP and UNESCO's program, "Man and the Biosphere."
>
> "Yes, the UN is dealing with our planet's seas and oceans. …
>
> "Yes, the UN is dealing with the world's deserts. …
>
> "Yes, the UN is dealing with the human person, that alpha and omega of our efforts. … The person's basic rights, justice, health, progress and peace are being dealt with from the fetus to the time of death.
>
> "Yes, the UN is dealing with the atom in the International Atomic Energy Agency. …
>
> "Yes, the UN is dealing with art, folklore, nature, the preservation of species, germ banks, labor, handicrafts, literature, industry, trade, tourism, energy, finance, birth defects, sicknesses, pollution, politics, the prevention of accidents, of war and conflicts, the building of peace, the eradication of armaments, atomic radiation, the settlement of disputes, the development of worldwide cooperation, the aspirations of East and West, North and South, black and white, rich and poor, etc."[1, 2]

This shows that the UN is thoroughly focused on *municipal* powers that are rightly under the subject matter jurisdiction of lawful *religious social compacts*, and only *religious social compacts*. There should be no doubt that since Muller wrote this, the UN has expanded into even more *municipal* powers. Only prolonged, diligent effort will be able to cleanse the body politic of this globalist scourge. This is especially true when one also considers the extent to which the federal, State, and local *secular social compacts* are also invested unlawfully in *municipal* powers.

One thing that makes this massive abuse of *municipal law* so pernicious is the extent to which this abuse is local, and therefore extremely low profile as far as news media is concerned. This lack of visibility is magnified by the fact that UN schemes like Agenda 21 and Sustainable Development tend to operate "through a system of regional governance entities called Councils of Government, or COGS."[3] These councils of government developed in the US after WWII, and were generally seen as more-or-less benign and negligible among those who knew of their existence. But,

> At the local level, these COGS quietly apply these un-American policies while generally keeping the public in the dark. Section 4

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1 Embedded endnote: "Robert Muller, *New Genesis: Shaping a Global Spirituality*. (Garden City, N.Y.: Doubleday, 1984), pp. 27-28."

2 Jasper, **The United Nations Exposed**, pp. 2-3.

3 Wood, **Technocracy Rising**, p. 89.

> of the U.S. Constitution states, "The United States shall guarantee to every State in this Union a Republican Form of Government." Regional governance by unelected and unaccountable COGS is the polar opposite of a Republican Form of Government.[1]

Through these COGS, the UN agenda is being spread like fungus throughout. Precious few people know enough or care enough to fight it at this local level. As of 2015, there were "717 regional government entities across 50 states … continuously implementing Agenda 21 and Sustainable Development policies".[2]

One of the effects of popularization of Agenda 21 policies is the re-popularization of eugenics. Although eugenics has not been overtly popular in the US since the 30s, *de facto* voluntary eugenics has been going on massively since the supreme Court decision in *Roe v. Wade*, 410 U.S. 113 (1973).[3] It was so popular in California during the 30s that

> members of the Nazi party asked California eugenicists for advice on how to run their own sterilization program. … "They modeled their law on California's law."[4]

With Agenda 21's emphasis on depopulation, it's foolish to think that the globalists would not sink to reinvigorating eugenics to achieve their goals.

Also part of the globalists' agenda is replacement of common-law principles and practices. The common law is too infected with fundamental Christian principles; so it's necessary to replace it. Many common-law principles have already been incorporated by statutes, thereby allowing statists to more easily manipulate them. But the kind of law now being promoted by globalists goes further, essentially replacing the common law entirely with what they've been calling "reflexive law". Reflexive law is law that is intended to evolve through the existence of feedback loops. The German legal scholar who originally coined the term, in 1982, Gunther Teubner, conceived of reflexive law as being part of systems theory. The meaning of "reflexive" was described in a 2001 article in the **German Law Journal**. In that article, Gralf-Peter Calliess calls special attention to what he calls "a New *Law*

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1 Wood, **Technocracy Rising**, p. 89.

2 Wood, **Technocracy Rising**, p. 91.

3 This author's posture regarding abortion: Porter, **A Memorandum of Law and Fact Regarding Natural Personhood**. — URL: http://www.basicjurisdictionalprinciples.net/1_Helps/BJP-MoP.pdf, retrieved 9 March 2018.

4 Wood, **Technocracy Rising**, p. 101, quoting "'California's dark legacy of forced sterilization', *CNN Health*, March 15, 2002.".

Merchant as an autonomous legal system".[1] The law merchant, also known as the *lex mercatoria*, started developing during the late middle ages, and "was used by merchants (mostly shipping) during the medieval period to settle disputes, and courtrooms were set up along trade routes to hear cases. Merchants made their own laws and rules according to trade customs and best practices, both of which were constantly changing according to the mood of the trade industry."[2] Proponents of reflexive law say that it is "merely framed and supervised by the State. That is to say ***regulated self-regulation*** is the core political concept behind Reflexive Law".[3] Calliess describes the use of the word, "reflexive" in this context in three different ways, but each is best understood to reference a feedback loop in an open system. Because a genuinely free market is an open system containing a multitude of feedback loops, one is naturally prone to wonder exactly how this "reflexive law" is different from a free market. Wood gives an example of this from his personal experience. It is so pungent that it deserves a fair-use appearance here. But before going to that, it should help to see how reflexive law fits into the globalization process.

Francis Snyder, a scholar recently at Peking University, claims that five "conceptions [of the governance of the globalization process] have emerged so far: (1)contract, (2)hierarchy, (3)networks, (4)*lex mercatoria*, and (5)sites of global legal pluralism."[4] In the "contract" conception, "globalisation is governed essentially by contracts". In the "hierarchy" conception, globalization is taking place through the aggregation of smaller governmental entities into larger confederations, like the "United States" and NAFTA. In the "network" conception, the focus is on "transnational networks, which may be public, private, or a hybrid of the two". In the *lex mercatoria* conception, the emphasis is on reflexive law. The fifth conception, "sites of global legal pluralism", pertains to the governance of global economic networks, which are pluralistic. Likewise, the legal mechanisms necessary to such networks are also pluralistic. These legal mechanisms are what Snyder calls "sites". In his vernacular, sites include states, regional and international organizations, and "a diversity of other institutional, normative, and processual sites, such as commercial

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1 Gralf-Peter Calliess, "Lex Mercatoria: A Reflexive Law Guide to an Autonomous Legal System", 2 **German Law Journal** No. 17 (2001). — URL: http://www.germanlawjournal.com/volume-02-no-17/, retrieved 12 March 2018.

2 Wood, **Technocracy Rising**, p. 132.

3 Calliess, "Lex Mercatoria".

4 Francis Snyder, "Economic Globalisation and the Law in the 21st Century", **The Blackwell Companion to Law and Society**, 2004, Blackwell Publishers, p. 4. — URL: https://www.researchgate.net/publication/30527915_Globalisation_and_the_Law_in_the_21st_century, retrieved 12 March 2018.

arbitration, trade associations, and so on".[1] — None of these conceptions of global governance encompasses the natural-rights polity, and all of them are going on at the same time. But the conception that is most directly impacting the people of the *united States*, at the local level, is the new *lex mercatoria*, which is also the implementation of reflexive law. This new *lex mercatoria* is being used globally, at the local level, to advance the globalists' environmental agenda. Snyder's conception of the new *lex mercatoria* holds the following:

> Recent research owes much to Teubner's (1983, 1993) concept of reflexive law, a self-governing system or form of regulated self-regulation. From this standpoint, *lex mercatoria* is a paradigm of the new global law. It consists less of detailed rules than of broad principles, such as good faith. Its boundaries are markets, professional communities or social networks, not territories. Instead of being relatively autonomous from political institutions, it depends heavily on other social fields being especially subject to economic pressures. It is not unified but decentered and non-hierarchical (see Teubner's 1988, 1997a; Teubner, ed. 1997). Stimulated by globalisation, it constantly breaks the hierarchical frame of the national constitution within which private rule-making takes place, resulting in a new heterarchical frame, a characteristic of this new global non-state law (Teubner 1997b).[2]

What does this mean when all the legalese is stripped out? The best way to show what it means is to provide a concrete example of how reflexive law works in environmentalism. Before describing Wood's concrete example, it's critical to notice that reflexive law "breaks the … frame of the national constitution" and replaces it with "new global non-state law". So it is inherently a tool of globalization.

In 2003, Stanford University Press published a book titled **Greening NAFTA**. The book "contained details about a supplemental treaty to NAFTA called the North American Agreement on Environmental Cooperation (NAAEC). The NAAEC in turn … created the *North American Commission for Environmental Cooperation*,

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1 Francis Snyder, "Global Economic Networks and Global Legal Pluralism", 1999, European University Institute, Florence, Italy, Department of Law, p. 15. — URL: https://www.peacepalacelibrary.nl/ebooks/files/law99_6.pdf, retrieved 12 March 2018.

2 Francis Snyder, "Economic Globalisation and the Law in the 21st Century", **The Blackwell Companion to Law and Society**, 2004, Blackwell Publishers, p. 6. — URL: https://www.researchgate.net/publication/30527915_Globalisation_and_the_Law_in_the_21st_century, retrieved 12 March 2018.

or CEC."[1] The book contains a chapter titled "*Coordinating Land and Water Use in the San Pedro River Basin*". The San Pedro River is in southern Arizona, with headwaters in Mexico. A radical environmental group, the Southwest Center for Biological Diversity (SCBD), submitted a complaint to the CEC alleging that the United States was not in compliance with Articles 13 and 14 of the NAAEC, and was not "enforcing its existing environmental laws".[2] According to Markell and Knox, the editors of **Greening NAFTA**,

> *Under Articles 13 and 14 … the Secretariat can accept and review submissions alleging that one of the three countries is not enforcing its existing environmental laws.*[3, 4]

The SCBD was alleging that the farmers, ranchers, and other landowners along the river were violating environmental regulations through irrigation and other use of the river. Markell and Knox explain further:

> *Article 13 can be characterized as an example of postmodern, "soft" or "reflexive" international law because it seeks to influence public and private behavior without the threat of the enforcement of traditional, sanction-based "hard" law.*[5, 6]

Markell and Knox indicate that reflexive law entails the following:

> *Reflexive law tries to align systematically legal rules with norms that the relevant actors will internalize. It builds on the realization that the reasons why people actually obey law ultimately lie outside formal adjudication and the power of the state to enforce rules.*[7, 8]

This radical environmental group, the SCBD, volunteered to be stakeholders representing the San Pedro ecosystem. Having "desired outcomes" that were at odds with the customs and practices of the local landowners, they sought to promote the UN Sustainable Development agenda through the combination of the NAAEC and reflexive law. The other stakeholders in this "reflexive process" were the landowners.

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1 Wood, **Technocracy Rising**, p. 134.

2 **Greening NAFTA: The North American Commission for Environmental Cooperation**, 2003, ed. David L. Markell and John H. Knox, Stanford University Press, p. 217.

3 Embedded footnote indicates Markell and Knox, **Greening NAFTA**, p. 217.

4 Wood, **Technocracy Rising**, p. 135.

5 Embedded footnote: "Markell and Knox, *Greening NAFTA*, (Stanford University Press, 2003), p. 218."

6 Wood, **Technocracy Rising**, p. 135.

7 Embedded footnote: "Markell and Knox, *Greening NAFTA*, (Stanford University Press, 2003), p. 231".

8 Wood, **Technocracy Rising**, pp. 135-136.

The outcome of the process "depended on how well the stakeholders 'internalized' what was proposed. In other words, there was no actual legal process at all, but rather a jawboning process that conned the actors into compliance."[1]

The reflexive process started with "information disclosure", an analysis by the CEC based on the SCBD's complaint, indicating all the wrongs the US, by way of the landowners, were inflicting on the river environment. The analysis accompanied the "recommended outcomes" of the CEC / SCBD.

> Public meetings were then held to build consensus between individual citizens and other "actors". In the case of the San Pedro River Basin study, the CEC enlisted the University of Arizona's Udall Center to hold these public meetings. After all was said and done, there was zero consensus among actual citizens of the area. As the book simply notes, "Public comment was emotionally divided on the reduction of irrigated agriculture."[2] Really? In fact, the farmers and ranchers in the area were beyond livid, but the real purpose of the public meetings had nothing to do with getting their voluntary consensus. Rather, the meetings were designed to publicly abuse them until they submitted.[3]

The use of reflexive law in environmentalism is deeply dependent upon public shaming. Shaming the landowners / stakeholders into compliance with the "desired outcomes" is crucial to the process. According to Markell and Knox, "Shaming works well with pollution".[4] But some people tend to be stubborn, and are largely impervious to shaming. Some of "the farmers and ranchers in the San Pedro River Basin … refused to be shamed into consensus during the Udall Center public hearings".[5]

> [T]hey had zero input into the CEC's study and subsequent "recommendations", nor were they consulted prior to the … [SCBD]'s original complaint. In actuality, they were simply offered other incentives that they were helpless to refuse or refute[6]

The "other incentives" were essentially threats from "regulatory bullies". These bullies included the Bureau of Land Management, managers of the San Pedro Riparian National Conservation Area, the Department of the Army, and a number of NGOs,

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1 Wood, **Technocracy Rising**, p. 136.

2 Embedded footnote: "Markell and Knox, *Greening NAFTA*, (Stanford University Press, 2003), p. 228".

3 Wood, **Technocracy Rising**, p. 136.

4 **Greening NAFTA**, p. 231.

5 Wood, **Technocracy Rising**, p. 137.

6 Wood, **Technocracy Rising**, p. 137.

including the Nature Conservancy and the SCBD. "The federal threat was 'We will bankrupt you with regulations.' The NGO threat was 'We will bankrupt you with lawsuits.'"[1] Under such pressures, "the farmers and ranchers succumbed to the Reflexive Law process".

The obvious solution to this set of problems represented by reflexive law is to get rid of all the regulations, to get rid of the agencies that created the regulations, and to get rid of all laws and courts that accept Sustainable Development / Agenda 21 "principles" as valid. But the Administrative State is now such an entrenched part of the USA that such riddance is so far away that it's like baying at the moon. In the meantime, reflexive law is a very real and ugly part of the globalist takeover.

> "Reflexive Law" … is 100 percent antithetical to the American Republic, the Rule of Law, the U.S. Constitution and the entirety of Western civilization. Because compliance has always been posited as voluntary, nobody has been alarmed enough to look any further at it. However, … almost every global imposition has been based on the *voluntary* aspect of Reflexive Law. For instance, Agenda 21 depends upon voluntary compliance, which is often referred to as "soft law" among its critics who have not perceived the deeper meaning of Reflexive Law. Common Core education standards were introduced as a voluntary program. Sustainable Development in general is always proposed as a voluntary program. All of these are based on the theory of Reflexive Law. But, once it gets its tentacles into your personal property and local community, you will be involuntarily squeezed until you "voluntarily" comply. There is no legal process available to defend yourself, your property, or your rights. There is no appeal from the damage done to your rights or property.[2]

The ***national*** and ***global consolidationists*** have been selling their agenda to the public on the basis of its being voluntary for much longer ago than Teubner concocted reflexive law. In fact, both income taxation and Social Security are collectivist scams that were originally sold as voluntary. People voluntarily step in quicksand, not knowing what it is, and listening to people describe it as something other than what it is, and then feel stuck and sucked down. The reflexive law of Teubner and company merely formalizes this process of tricking people, and shaming people, and pressuring people, into compliance with globalization. Most people subjected to this treatment hate it, even while they feel impotent to fight it. People who

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1 Wood, **Technocracy Rising**, p. 137.

2 Wood, **Technocracy Rising**, pp. 137-138.

comply are being steered into a **Brave New World** kind of dystopia. People who hold to ideological foundations that are antagonistic to this treatment are not likely to be flimflammed into following the guidance provided by such reflexive law. The globalists have remedies for this stubborn bunch that are more like the **1984** brand of dystopia. The only solution for Bible-believing Christians is to follow God, with heart and soul and mind and strength.

This survey of law, government, and globalization in the 21st century is too brief to present all the shocking facts that Bible-believing people need to know, facts that are clearly within the jurisdiction of the global covenant. Even so, the author hopes that there is enough here to encourage people to avoid being complacent. The human race is facing a fork in the road. The globalists' is clearly the road to hell.

(vi) Money, Banking, & Global Consolidation

(1) Development of Money from Barter:

Rothbard's "Crusoe Economics" shows how a rudimentary economic system arises from the interactions of natural-rights-bearing entities.[1] Such a rudimentary economic system is based on barter. It may be rightly called a free market, but it is a long way from being an efficient market, because of the fundamental inefficiency of barter. In **The Mystery of Banking**, Rothbard builds on the foundation of Crusoe Economics by describing how money arises to displace barter as the primary breed of trading. In many societies and cultures, money displaced barter millennia ago as the most common method of exchange. As Rothbard says, in barter, there must be a "*double coincidence*" of wants. Each of two parties wants what the other person has, and has what the other person wants. This double coincidence is the "crucial element in barter". If one person has a horse and wants to trade it for a cow, he/she must find someone who has a cow and wants to trade it for a horse. This is much more difficult than simply finding someone who wants to buy a horse with money. Having a horse and trading it for money, then using the money to buy a cow, may be a two-step process, but it facilitates trade by allowing the horse owner to locate someone who wants to buy his horse, then locating someone who wants to sell a cow. Even though it's a two-step process, it's easier than finding someone who both has a cow and wants a horse. So one big advantage money has over barter is that it imposes only a single coincidence of wants, rather than this double coincidence of wants.[2] Money acts as a medium of exchange, and thereby facilitates trade.

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1 See above, Part II, Chapter 8, Sub-Chapter 7, Section (iv), sub-section (3), "How a Stand-Alone Secular Social Compact Might Arise".

2 Rothbard, **The Mystery of Banking**, p. 4.

Another problem with barter is what Rothbard calls "*indivisibilities*". Most things, eggs, houses, cars, horses, *etc.*, are not economically divisible. Because money is divisible into units like dollars and cents, it offers huge advantages over barter on this indivisibility front as well as on the double-coincidence front. But these two are not the only characteristics of money that present advantages over barter. — Historically, prior to the advent of fiat money, money was always some kind of commodity, usually precious metals like gold and silver. "[W]hen a commodity is used as a medium for most or all exchanges, that commodity is defined as being *money*."[1] Money offers a third important advantage over barter: "[I]n the barter system, profit or loss calculation would be a hopeless task."[2] This is what Rothbard calls the "*business calculation*" problem. So money allows people to overcome the three major disadvantages of barter: (i)the double-coincidence-of-wants problem; (ii)the indivisibility problem; and (iii)the business-calculation problem.

There are four characteristics of money that maximize its advantages over barter: (i)The commodity to be used as money will already be widely in use for its own sake, a commodity in heavy demand. (ii)The commodity should be highly divisible. (iii) It should be portable. It must have high value per unit weight. This requires that it be relatively scarce. (iv)The money commodity should be highly durable. Such durability allows the money to act as a store of value, since it won't rot, degrade, or die. This store-of-value feature allows the holder to save it until he/she is ready to spend it. All money is obviously not the same. Some kinds of money are better at one or more of these four traits than others. In modern times, whether a given currency works well in regard to each of these four features depends largely upon banking and governmental monetary policy. With the exception of what Rothbard calls "free banking", banking systems are major tools of control employed by authoritarian governments.

Historically, each of the major European monetary units, dollar, pound, franc, mark, *etc.*, was originally a particular weight of precious metals. They were originally inherently tied to the value of the monetary commodity. "The problem is that governments have systematically betrayed their trust as guardians of precisely defined weight of the money commodity."[3] The reasons the governments have done this is because, to satisfy the grandiose visions of their dear leaders, they have systematically debased their currencies for the sake of increasing tax revenues without arousing public notice. — Although money has arisen out of barter more-or-less naturally, the jurisprudential sovereign has always, or practically always, arrogated the coinage

1 Rothbard, **The Mystery of Banking**, p. 5.
2 Rothbard, **The Mystery of Banking**, p. 4.
3 Rothbard, **The Mystery of Banking**, p. 10.

of money to himself, usually with the population's initial approval. After procuring the power to coin money, the jurisprudential sovereign is prone to debasing the currency as Rothbard depicts in this fictional but typical scenario:

> Say the *rur*, the currency of the mythical kingdom of Ruritania, is worth 20 grams of gold. A new king ascends the throne, and being chronically short of money, decides to take the debasement route to the acquisition of wealth. He announces a mammoth call-in of all the old gold coins of the realm, each now dirty with wear and with the picture of the previous king stamped on its face. In return, he will supply brand new coins with his face stamped on them, and will return the same number of *rurs* paid in. Someone presenting 100 *rurs* in old coins will receive 100 *rurs* in the new.
>
> Seemingly a bargain! Except for a slight hitch: During the course of this recoinage, the king changes the definition of the *rur* from 20 to 16 grams. He then pockets the extra 20 percent of gold, minting the gold for his own use and pouring the coins into circulation for his own expenses. In short, the number of grams of gold in the society remains the same, but since people are now accustomed to use the *name* rather than the weight in their money accounts and prices, the number of *rurs* will have increased by 20 percent. The money supply in *rurs*, therefore, has gone up by 20 percent, and … this will drive up prices in the economy in terms of *rurs*. *Debasement*, then, is the arbitrary redefining and lightening of the currency so as to add to the coffers of the State.[1]

Although this account is fictional, the historical evidence is undeniable proving that autocratic regimes have been overwhelmingly prone to debase their currencies "to add to the coffers of the State". Essentially, what Rothbard does in the rest of **Mystery of Banking**, is show how the modern monetary and banking systems continue to debase the currency for the sake of enriching statists and globalists, and to enhance their agenda. This obviously gives the statists and globalists huge advantages over the host population they parasitize.

One important thing to notice about these mythical happenings in Ruritania, is the effect of debasement on the money supply. By increasing the number of *rurs* in circulation, the king decreased the buying power of each *rur*. Following common sense, Rothbard says "[A] continuing, sustained *inflation* – that is, a persistent rise in overall prices – can either be the result of a persistent, continuing fall in the supply of most or all goods and services, *or* of a continuing rise in the supply of

1 Rothbard, **The Mystery of Banking**, p. 11.

money."[1] If demand remains the same while supply falls, then that would certainly cause a rise in prices. But that's not what was happening in Ruritania. The inflation was happening because the money supply was being expanded. Rothbard is right when he says that "Inflation is a process of subtle expropriation, where the victims understand that the prices have gone up but not why this has happened."[2] He's also right when he says the following:

> Inflationary increases of the money supply are pernicious forms of tax because they are covert, and few people are able to understand why prices are rising. Direct, overt taxation raises hackles and can cause revolution; inflationary increases of the money supply can fool the public – its victims – for centuries.[3]

In fact, inflationary increases in the money supply have been fooling the victim public for all the centuries that central banking and fractional reserve banking have existed. They both systematically inflate the money supply. — The Ruritania tale shows that banks are not necessary for that kind of debasement of the monetary unit, inflation of the money supply, and theft of buying power from each holder of the monetary unit. Autocratic governments have been practicing this kind of magic behind the scenes for centuries. But the advent of fractional reserve banking has taken this magic debasement to a new level of subtlety.

(2) Development of Commercial Banking:

Rothbard makes a distinction between two fundamentally different kinds of banks: loan banks and deposit banks. This distinction is important because "modern banking mixes and confuses two different operations with very different effects: loans and deposits."[4] Rothbard characterizes loan banking as a "healthy and productive process". It consists mostly of people offering to lend some of their savings for a fee. As long as the fees and the terms of repayment are reasonable, and not those of a loan shark, such loan banking is harmless and is a healthy contribution to the economy. Such a "bank makes money on the interest differential because it is performing the important social service of channeling the borrowed savings of many people into productive loans and investments".[5] These kinds of banking activities are not inflationary. In fact, loan banking has been an important and honest aspect

1 Rothbard, **The Mystery of Banking**, p. 28.
2 Rothbard, **The Mystery of Banking**, p. 51.
3 Rothbard, **The Mystery of Banking**, pp. 53-54.
4 Rothbard, **The Mystery of Banking**, p. 75.
5 Rothbard, **The Mystery of Banking**, pp. 82-83.

of economic prosperity since the medieval period. But deposit banking is something else.

Because the American legal system is based on English common law, it's important to understand central banking's historical background in that country. Decades before the advent of central banking, especially during the English Civil War, people needed a safe place to store their gold and silver.

> Deposit banking, or money warehousing, was known in ancient Greece and Egypt, and appeared in Damascus in the early thirteenth century, and in Venice a century later. It was prominent in Amsterdam and Hamburg in the seventeenth and eighteenth centuries.
>
> In England, there were no banks of deposit until the Civil War in the mid-seventeenth century. Merchants were in the habit of keeping their surplus gold in the king's mint in the Tower of London … The habit proved to be an unfortunate one, for when Charles I needed money in 1638 shortly before the outbreak of the Civil War, he simply confiscated a large sum of gold, amounting to £200,000, calling it a "loan" from the depositors. Although the merchants finally got their money back, they were understandably shaken by the experience, and forsook the mint, instead depositing their gold in the coffers of private goldsmiths, who were also accustomed to storing and safekeeping of the valuable metal.[1] The goldsmith's warehouse receipts then came to be used as a surrogate for the gold money itself.[2, 3]

As Rothbard makes clear, the circumstances of the English Civil War created a need for people to warehouse their gold and silver, and the most expedient way to do that

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1 Embedded footnote: "The business of the goldsmiths was to manufacture gold and silver plate and jewelry, and to purchase, mount and sell jewels. See J Milnes Holden, *The History of Negotiable Instruments in English Law* (London: The Athlone Press, 1955), pp. 70-71."

2 Embedded footnote: "These were two other reasons for the emergence of the goldsmiths as money warehouses during the Civil War. Apprentices, who had previously been entrusted with merchants' cash, were now running off to the army, so that merchants now turned to the goldsmiths. At the same time, the gold plate business had fallen off, for impoverished aristocrats were melting down their gold plate for ready cash instead of buying new products. Hence, the goldsmiths were happy to turn to this new form of business. Ibid."

3 Rothbard, **The Mystery of Banking**, pp. 87-88.

was to use the goldsmiths' already-existing warehouses. These goldsmiths thereby defaulted into being deposit bankers, as distinguished from loan bankers.

This tale of the English Civil War shows how deposit banks started as "money warehouses" for storing gold and silver. Deposit banks charge a fee for the time the metal spends on deposit. — When the deposit bank issues scrip to the depositor, the scrip represents the metal in the money supply, and the metal itself, being on deposit, is temporarily removed from the money supply. Furthermore, the deposit is a *bailment*, and not a loan. It is "merely hiring someone for the safekeeping of valuables".[1] A bailment is precisely the opposite of a loan, because a *bailor* pays a *bailee* to keep the *bailed* object safe, while a debtor receives a loan from a creditor in exchange for interest paid by the debtor to the creditor. Legal history shows that well after central banking was established, these fundamental facts about deposit banking were misconstrued by the English courts.

Anyone who holds a substantial amount of other people's wealth is likely to be tempted to embezzle such wealth for his own purposes. Embezzlement is simply "'appropriating fraudulently to one's own use, as money or property entrusted to one's care.'"[2] "The English goldsmiths discovered and fell prey to this temptation [(to embezzlement)] … by the end of the Civil War."[3] Because these warehouse receipts were essentially circulating as substitutes for the actual gold and silver, the easiest way for these goldsmiths to embezzle their holdings was to simply issue fraudulent warehouse receipts, spending them like cash. This created a situation in which each ounce of gold or silver in a warehouse might be represented by multiple receipts in circulation. When people saw that the goldsmiths had become prosperous, they became prone to asking the goldsmiths for loans. The deposit banker, the goldsmith, becomes a loan banker when "he is not taking his own savings or borrowing in order to lend to consumers or investors. Instead he is taking someone else's money and lending it out *at the same time* that the depositor thinks his money is still available for him to redeem."[4] For the sake of earning what appeared to be legitimate interest on loans, like loan bankers, such a deposit "banker issues fake warehouse receipts and lends them out as if they were real warehouse receipts represented by cash."[5]

The goldsmiths' warehouses essentially turned into deposit banks, as distinguished from lawful loan or investment banks. In lawful loan banking, there is no inflation

1 Rothbard, **The Mystery of Banking**, p. 87.
2 Rothbard, **The Mystery of Banking**, pp. 88-89.
3 Rothbard, **The Mystery of Banking**, p. 90.
4 Rothbard, **The Mystery of Banking**, p. 96.
5 Rothbard, **The Mystery of Banking**, p. 96.

of the money supply. In lawful deposit banking, there is also no inflation of the money supply. But when the deposit bankers started creating multiple receipts for a single deposit of metal, they essentially started inflating the money supply, similar to the way the king of Ruritania was inflating the money supply.

> The amount of cash kept in the bank's vaults ready for instant redemption is called its *reserves*. Hence, … honest, non-inflationary deposit banking is called "100 percent reserve banking," because the bank keeps all of its receipts backed fully by gold or cash.[1]

Even though these deposit banks were not the jurisprudential sovereign, who has historically been the entity who could most easily debase the money and get away with it, these deposit bankers were to a large extent debasing the money supply and getting away with it. The gold and silver they had in their warehouses was out of circulation, while multiple paper representations of that gold and silver circulated in their stead.

When the deposit banker doesn't practice "100 percent reserve banking", he/she is practicing "fractional reserve banking".

> [A]s fractional reserve banking was allowed to develop, the rigid separation between deposit banking and loan banking was no longer maintained in what came to be known as *commercial banks*.[2]

So commercial banks, which fraudulently combined loan banking and deposit banking, developed out of 17th-century English deposit banking. It's crucial to recognize that a commercial bank is different from an "investment bank". "[T]he liabilities of the investment bank are simply debts which are not 'monetized' by being a demand claim on money."[3]

There were a series of legal decisions in early 19th-century England that found that a depositor in a warehouse bank is a lender and not a *bailor*. According to *Foley v. Hill and Others* (1848), "'The money placed in the custody of a banker is … the money of the banker, to do with it as he pleases'".[4] So, "To *Foley* and the previous decisions [of 19th-century England] must be ascribed the major share of

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1 Rothbard, **The Mystery of Banking**, p. 95.

2 Rothbard, **The Mystery of Banking**, p. 107.

3 Rothbard, **The Mystery of Banking**, p. 107, footnote.

4 Rothbard, **The Mystery of Banking**, p. 92, quoting *Foley v. Hill and Others* (1848) 2. H.L.C., pp. 36-37, and also J. Milnes Holden, **The Law and Practice of Banking**, vol. I, (London: Pitman Publishing, 1970), p. 32.

the blame for our fraudulent system of *fractional reserve banking*."[1] — Apparently, it took from the mid-17th century until the early 19th century for England to question the morality of fractional-reserve banking. This is probably at least in part because England started adopting a central bank, approved by the monarch, before the end of the 17th century. According to Rothbard, "American banking law has been built squarely on the *Foley* concept".[2]

Even though fractional reserve banking has the imprimatur of the jurisprudential sovereign, it is still fraudulent. Surely the king of Ruritania would put the same imprimatur on his debasement of his people's money. The big problem with fractional-reserve banking is that it is counterfeiting. The fact that the government has legalized it doesn't make it morally right. It just acts as a sign, to all who care to know, that criminals are running the government, and that the government is actively engaged in racketeering and fraud.

> A requirement that banks act as any other warehouse, and that they keep their demand liabilities fully covered, that is, that they engage only in 100 percent banking, would quickly and completely put an end to the fraud as well as the inflationary impetus of modern banking. Banks could no longer add to the money supply, since they would no longer be engaged in what is tantamount to counterfeiting.[3]

Rothbard confirms this assessment by saying the following:

> [M]odern fractional reserve banking is a shell game, a Ponzi scheme, a fraud in which fake warehouse receipts are issued and circulate as equivalent to the cash supposedly represented by the receipts.[4]

And the following:

> *Commercial banks – that is, fractional reserve banks – create money out of thin air.* Essentially they do it in the same way as *counterfeiters*. … The law fails to treat the receipts as counterfeit.[5]

Although descriptions of fractional-reserve banking are damning in themselves, they come nowhere close to describing the full ramifications of this kind of debasement of the money in circulation.

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1 Rothbard, **The Mystery of Banking**, p. 93.
2 Rothbard, **The Mystery of Banking**, p. 93.
3 Rothbard, **The Mystery of Banking**, p. 109.
4 Rothbard, **The Mystery of Banking**, p. 97.
5 Rothbard, **The Mystery of Banking**, p. 98.

One of the ramifications of such debasement is the business cycle.

> We … see here the outlines of the basic model of the famous and seemingly mysterious business cycle, which has plagued the Western world since the middle or late eighteenth century. For every business cycle is marked, and even ignited, by inflationary expansions of bank credit. The basic model of the business cycle then becomes evident: bank credit expansion raises prices and causes a seeming boom situation, but a boom based on a hidden fraudulent tax on the late receivers of money.[1]

The same way a Ponzi scheme benefits those who are early participants while it robs those who come late, this kind of expansion of the money supply benefits those who receive the new money early at the expense of those who receive it late.

> Bank runs instruct the public in the essential fraudulence of fractional reserve banking, in its essence a giant Ponzi scheme in which a few people can redeem their deposits *only* because most depositors do not follow suit.[2]

Bank runs happen when fractional reserve banks operate in a free market. Because they are not 100 percent reserve banks, they are inherently bankrupt. The only thing that keeps people from realizing that such banks are bankrupt, in an otherwise free market, is that people don't all try to redeem their demand deposits at the same time. When they do, it becomes obvious to everybody that the bank is bankrupt. This is the inherent discipline of the free market, which Rothbard rightly extols.

As seen in the above discussion about "just war", there are problems, *delicts*, about which judges, courts, and jurisprudential sovereigns need to be extremely thick-skinned and insensitive, and other *delicts* about which jurisprudential sovereigns need to be HYPER-SENSITIVE. The effects of expansion of the money supply through fractional reserve banking may be negligible and difficult to notice for any given individual, because this kind of *delict* is spread so thin over the population that uses the given currency. This is the prototypical example of *delicts* spread so thin over a large population that no one appears to be damaged individually, but the whole society is damaged in fact. This relates to *standing to sue* in that no individual appears to be damaged enough to have standing. If the people benefiting from this Ponzi scheme were all angels, then maybe it would be negligible. But they are not angels. They are the same statists and globalists who have been manipulating public policy and international law for centuries, generally to the detriment of society as a whole. So the courts need to be extremely sensitive to this in order to bring them

1 Rothbard, **The Mystery of Banking**, p. 102.

2 Rothbard, **The Mystery of Banking**, p. 113.

to justice. On the other hand, there are free-market remedies, remedies that arise out of what Rothbard calls "free banking", and that are additional to enforcement against *delicts*.

> Genuine free banking … exists where entry into the banking business is totally free, where banks are neither subsidized nor controlled, and where at the first sign of failure to redeem in specie, the bank is forced to declare insolvency and close its doors.[1]

Contrary to what some neophytes claim, a genuinely free market has never existed in the USA, and neither has free banking. "Free banking did not work well in the U.S. because it was never really tried. The banks were allowed to … 'suspend specie payments'".[2] Whenever the Jeffersonian-Jacksonian, strict-constructionist, anti-central-bank faction made some headway towards making fractional reserve banking illegal, there would be a shift in political power, and the Hamiltonian, loose-constructionist, pro-central-bank faction would undo the progress made by the other faction. Central banking was at the core of this system of monetary debasement.

(3) Development of Central Banking:

Central banking developed in England in the 1690s, on top of this conglomeration of goldsmiths turned deposit bankers turned commercial bankers. After the Civil Wars, the failure of the Commonwealth, the restoration of Charles II, the deposition of James II in 1688, and the installation of William and Mary in 1689, the English government was nearly bankrupt, desperate for funds, in search of willing creditors, and engaged in the Nine Years War with France.

> A committee of the House of Commons was therefore formed in early 1693 to figure out how to raise money for the war effort. There came to the committee the ambitious Scottish promoter, William Paterson, who, on behalf of his financial group, proposed a remarkable new scheme to Parliament. In return for a set of important special privileges from the State, Paterson and his clique would form the Bank of England, which would issue new notes, much of which would be used to finance the English *deficit*. *In short*, since there were not enough private savers willing to finance the deficit, Paterson and his group were graciously willing to buy government bonds, provided they could do so with newly-created out-of-thin-air bank notes carrying a

1 Rothbard, **The Mystery of Banking**, p. 215.

2 Rothbard, **The Mystery of Banking**, p. 197.

raft of special privileges with them. This was a splendid deal for Paterson and company, and the government benefited from the flimflam of a seemingly legitimate bank's financing their debts. … As soon as the Bank of England was chartered by Parliament in 1694, King William himself and various members of Parliament rushed to become shareholders of the new money factory they had just created.

From the beginning, the Bank of England invested itself, aided and abetted by the government, with an impressive aura of mystery – to enhance its prestige and the public's confidence in its operations. …

William Paterson urged that the English government grant his Bank notes legal tender power, which would have meant that everyone would be compelled to accept them in payment of money debt, much as Bank of England or Federal Reserve notes are legal tender today. The British government refused, believing that this was going too far, but Parliament did give the new Bank the advantage of holding all government deposits, as well as the power to issue new notes to pay for the government debt.

The Bank of England promptly issued the enormous sum of £760,000, most of which was used to buy government debt. This had an immediate and considerable inflationary effect, and in the short span of two years, the Bank of England was insolvent after a bank run, an insolvency gleefully abetted by its competitors, the private goldsmiths, who were happy to return to it the swollen Bank of England notes for redemption in specie.

It was at this point that a fateful decision was made, one which set a grave and mischievous precedent for both British and American Banking. In May 1696, the English government simply allowed the Bank of England to "suspend specie payment" – that is, to refuse to pay its contractual obligations of redeeming its notes in gold – yet to continue in operation, issuing notes and enforcing payments upon its *own* debtors. The Bank of England suspended specie payment, and its notes promptly fell to a 20 percent discount against specie, since no one knew if the Bank would ever resume payment in gold.

The straits of the Bank of England were shown in an account submitted at the end of 1696, when its notes outstanding were £765,000, backed by only £36,000 in cash. In those days, few noteholders were willing to sit still and hold notes when there was such a low fraction of cash.

> Specie payments resumed two years later, but the rest of the early history of the Bank of England was a shameful record of periodic suspensions of specie payment, despite an ever-increasing set of special privileges conferred upon it by the British government.
>
> In 1696, for example, the Whig magnates who ran the Bank of England had a scare: the specter of competition. The Tories tried to establish a competing National Land Bank, and almost succeeded in doing so. As one historian writes, "Free trade in banking seemed a possibility. Bank of England stock fell on the market."[1]
>
> Though the Land Bank failed, the Bank of England moved quickly. The following year, it induced Parliament to pass a law prohibiting any new corporate bank from being established in England. Furthermore, counterfeiting of Bank of England notes was now made punishable by death.[2]

This true story of the founding of England's central bank shows that central banking has corruption at its core.[3] But this English example is precisely the example the American loose constructionists insisted on following, which is one of the fundamental reasons the American republic is in such trouble in the 21st century.

Private bank notes, like those issued by the 17th-century goldsmiths, and by 19th-century American banks during periods when the central bank was not active, are now illegal. Nevertheless, commercial banks continue to be money-creating factories. The disciplinary rigors of free banking would terminate this constant debasement of the money supply because it would impose a constant threat of bank runs without any possibility of legally suspending redemption in specie. Such an unencumbered bank run would bankrupt each fractional-reserve bank that suffered such a run. On the other hand, these days, "the Central Bank receives from the government the monopoly privilege for issuing bank notes or cash, while other, privately-owned commercial banks are permitted to issue demand liabilities in the

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1 Embedded footnote: "Marvin Rosen, 'The Dictatorship of the Bourgeoisie: England, 1688-1721," *Science and Society* XLV (Spring 1981): 44. This is an illuminating article, though written from a Marxist perspective."

2 Rothbard, **The Mystery of Banking**, pp. 178-180.

3 The first central bank was the Bank of Sweden. It was founded on similarly corrupt principles and practices. — Per Bylund, "Conceived in Disgrace: The 350th Anniversary of the Bank of Sweden", **Mises Wire**, May 25, 2018, Ludwig von Mises Institute: URL: https://mises.org/wire/conceived-disgrace-350th-anniversary-creation-bank-sweden, retrieved 31 May 2018.

form of checking deposits."[1] The United States Department of the Treasury prints paper money and mints coins, but it doesn't put such money into circulation. The Federal Reserve puts such money into circulation, actually making it part of the money supply, by lending such cash to commercial banks. Such cash becomes part of the commercial bank's reserve. By having the power to create credit to commercial banks, to set their legal reserve requirements, and other such mechanisms, the Federal Reserve controls the money supply. Rothbard does a good job of explaining how this works in **The Mystery of Banking**. Although it's easy to understand for the average layman, it demands more space than this short examination of money and banking allows. Suffice it to say that the Federal Reserve keeps the rate of inflation under control by focusing on two objectives: maximizing employment and stabilizing prices. The fractional-reserve lending of commercial banks is inherently inflationary, and must be controlled by reserve requirements and the related money multiplier. The central bank functions as a bank for the commercial banks.

The distinguishing characteristic of central banking is that it coordinates the inflation of the money supply by the commercial banks, so that the money supply inflates in a homogeneous way throughout the economy. By having this cozy relationship with the central bank, the government confers its prestige on this essentially private institution. The government also uses the Fed for its own deposits. It also confers the "monopoly privilege of note issue" on the Fed, and makes "its notes legal tender for all debts in money". With all these special privileges from the general government, the Federal Reserve is insulated against free market bankruptcy. However, if an institution is built on corruption, chances are good that its bankruptcy would be better in the long run than insulating it from facing reality.

> [T]he Central Bank can see to it that all banks in the country can inflate harmoniously and uniformly together. … [T]he Central Bank functions as a government cartelizing device to coordinate the banks so that they can evade the restrictions of free markets and free banking and inflate uniformly together. The Central Bank eliminates hard and noninflated money, and substitutes a coordinated bank credit inflation throughout the nation.[2]

This evasion of free-market reality is part of the massive delusion being imposed by globalists on the rest of the population. One way for the average anti-globalist to respond to this delusion is to maximize one's holdings of cash.

> The movement of bank reserves is equal and inverse to the movement in the public's holding of cash. The more cash the

1 Rothbard, **The Mystery of Banking**, p. 125.

2 Rothbard, **The Mystery of Banking**, pp. 133-134.

> public holds, the greater the anti-inflationary effect, and vice versa.[1]

Regarding efficiency, using cash is to 21st-century digital currencies what barter was to trading with money. So holding cash is probably not a very efficient way to fight central-bank, fractional-reserve corruption.

When the general government passed the Monetary Control Act of 1980, it gave the Fed "unlimited power to buy any asset it wishes and up to any amount — whether it be corporate stocks, bonds, or foreign currency."[2] The government thereby granted to the Fed the power to massively expand its "*open market operations*". "Open market … means that the Central Bank moves outside itself and into the market, where it buys or sells assets."[3] Where does the Fed get the power to make such purchases? It creates it "out of thin air". This power "is solidly grounded on the Fed's unlimited power to engage in legalized counterfeiting"[4] — Against such corrupt power, Rothbard recommends freezing the Fed.

> All that need be done to stop inflation in its tracks forever is to pass a law ordering the Fed never to buy any more assets, ever again. … [A]ll that need be done is … freezing the Central Bank. Better to abolish central banking altogether, but if that cannot be accomplished, then, as a transitional step, the Central Bank should be frozen, and prevented from making further loans or especially open market purchases. Period.[5]

This freezing of the central bank is another way to fight its corruption, short of its complete abolition. But its much more difficult than maximizing cash holdings, because it appears to require action by Congress and the executive branch, which have been fairly limp for a long time. In the meantime, the Fed's activities are contributing tremendously to the tax burdens of future tax payers:

> Note the web of special privilege that is being accorded to the nation's banks. First, they are allowed to create money out of thin air which they graciously lend to the federal government by buying its bonds. But then, second, the taxpayers are forced in ensuing years to pay the banks back with interest for buying government bonds with their newly created money.[6]

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1 Rothbard, **The Mystery of Banking**, p. 147.
2 Rothbard, **The Mystery of Banking**, p. 157.
3 Rothbard, **The Mystery of Banking**, p. 154.
4 Rothbard, **The Mystery of Banking**, p. 154.
5 Rothbard, **The Mystery of Banking**, p. 158.
6 Rothbard, **The Mystery of Banking**, p. 172.

Although all this is true, there is still precious little being done to reign in this central monster. During the so-called "Great Recession" of December, 2007, to June, 2009, there were common calls for the auditing of the Fed. But even that has not resulted in concrete action.

If Rothbard had lived to witness the Great Recession, then he might have had recommendations beyond those he provided in the conclusion to his book. Even so, his recommendations from 1983 deserve an audience:

> The objectives … should be clear: (a)to return to a gold standard, a commodity standard unhampered by government intervention; (b)to abolish the Federal Reserve System and return to a system of free and competitive banking; (c)to separate the government from money; and (d)*either* to enforce 100 percent reserve banking on the commercial banks, or at lease to arrive at a system where any bank, at the slightest hint of nonpayment of its demand liabilities, is forced quickly into bankruptcy and liquidation. While the outlawing of fractional reserve as fraud would be preferable if it could be enforced, the problems of enforcement … make free banking an attractive alternative.[1]

While there's wisdom in each of these four "objectives", they need to be brought up to date in three ways. (i)They need to be understood within the context of the basic jurisdictional principles being expounded in this booklet, and to be modified in whatever way these principles demand. (ii)They need to be understood within the context of the obvious globalist conspiracy to establish a global central bank, and to control commerce on a global basis. (iii)They need to be understood within the context of the advent of cryptocurrencies, which came into existence around the same time the Great Recession was ending.

(4) The Globalists' Agenda:

The Gold Reserve Act of 1934 had domestically removed all backing of the US dollar by gold.[2] Following Executive Order 6102 of 1933,[3] the act also criminalized the possession of gold, excepting jewelry and collector's coins. It also ended the redeemability of gold certificates. This act was a major step towards total suspension of the gold standard, which happened in 1971, when President Nixon terminated

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1 Rothbard, **The Mystery of Banking**, p. 261.

2 **Statutes at Large**, March 1933 to June 1934, Vol. 48, Part 1, 1934, Government Printing Office, Washington, D.C., pp. 337-344. — URL: https://www.loc.gov/law/help/statutes-at-large/73rd-congress/session-2/c73s2ch6.pdf, retrieved 8 May 2018.

3 URL: http://www.presidency.ucsb.edu/ws/index.php?pid=14611, retrieved 7 May 2018.

the convertibility of US dollars into gold in the international arena.[1] Three years later, on the last day of 1974, President Ford signed a bill that made it legal again to possess gold bullion and coins.[2] This legalization of gold did not redeem the US dollar from its fiat status. However, it did give some hope to many, that somehow the US would escape monetary despotism and return to real money. Given that Rothbard wrote **The Mystery of Banking** in 1983, when this small but enthusiastic libertarian movement was still lively, it's reasonable that Rothbard would express such hopes for a return to the gold standard and the end of the Federal Reserve. But since the early 80s, there has been almost no inclination at any level of the federated government towards the gold standard or the abolition of the Federal Reserve, with the exception of lone voices in the wilderness like that of Ron Paul. There has been even less inclination towards 100 percent reserve banking, free banking, or a complete separation of government from money.[3] While this disinclination towards monetary and banking reform is now as stubborn as ever, the globalists' agenda in these arenas rolls on, with most people completely oblivious to it.

After having established their first central bank, and thereafter establishing a worldwide empire based on that scam, much of the aristocratic tier of British society looked with favor upon the globalist vision of Cecil Rhodes and his ilk. He left his fortune to the so-called "Round Table groups", one branch of which was the Council on Foreign Relations. These

> powers of financial capitalism had [a] far-reaching aim, nothing less than to create a world system of financial control in private hands able to dominate the political system of each country and the economy of the world as a whole.[4]

Under the circumstances, it's critical to understand that "the United Nations was designed and brought to life by the Council on Foreign Relations".[5] Obviously, there is a linkage between this Babel-based globalization movement, central banking, the British monarchy and aristocracy, Rhodes, the CFR, the UN, the Federal Reserve,

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1 Paul-Martin Foss, "Today in 1971: President Nixon Closes the Gold Window", **Mises Wire**, August 15, 2016. — URL: https://mises.org/wire/today-1971-president-nixon-closes-gold-window, retrieved 16 April 2018.

2 Public Law 93-373, **Statutes at Large**, Vol. 88, p. 445. — URL: https://www.gpo.gov/fdsys/pkg/STATUTE-88/pdf/STATUTE-88-Pg445.pdf, retrieved 8 May 2018.

3 The separation of money from government would require a constitutional amendment, given that Article I section 8 clause 5 gives Congress power "To coin Money".

4 Quigley, p. 324.

5 Tom Gow (Vice President of the John Birch Society), "Introduction", **The United Nations Exposed**.

and the whole system of money and banking that exists globally and within the *united States*. In fact, one top English banker put it this way:

> I am afraid the ordinary citizen will not like to be told that the banks can, and do, create money. … And they who control the credit of the nation direct the policy of Governments and hold in the hollow of their hands the destiny of the people.[1]

This kind of control by the entities behind the central bank is the core of why the constitutionally authorized executive and legislative branches of the *united States* government are largely dysfunctional, and are acting as rubber stamps for the inherently unconstitutional administrative branch. Because the judicial branch was taken over by alien philosophies long, long ago, the judiciary is also promoting this global agenda. So there has been a gradual *coup d'etat* executed gradually and persistently by these Babel builders, and the general government is now in the control of bureaucrats, who are the sycophants of globalists. And the banking and monetary systems are at or near the core of the globalists' power center.

Even though the central banks are close to the core of the globalists' power center, it would be a mistake to think that the top central bankers are core globalists.

> It must not be felt that these heads of the world's chief central banks were themselves substantive powers in world finance. They were not. Rather, they were the technicians and agents of the dominant investment bankers of their own countries, who had raised them up and were perfectly capable of throwing them down. These substantive financial powers of the world were in the hands of these investment bankers (also called "international" or "merchant" bankers) who remained largely behind the scenes in their own unincorporated private banks. These formed a system of international cooperation and national dominance which was more private, more powerful, and more secret than that of their agents in the central banks.[2]

In recent times, as knowledge about the globalist agenda has become more common, names of some of these "investment bankers" have leaked out, names like David Rockefeller, Rothschild, George Soros, Al Gore, *et al.* But these big names are merely the tip of the iceberg.

The power of this international clique should never be underestimated. All central banks, all national governments, all regional governments, the United Nations, and all national currencies, are essentially under their control. Of course

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1 Quigley, p. 325.

2 Quigley, p. 326-327.

this includes the IMF and the World Bank, which are busy impoverishing the "third world" under the guise of being its benefactor.

> [T]he one-worlders are working to expand their scheme in order eventually to achieve complete global economic control by transforming the International Monetary Fund and the World Bank combine into a central Federal Reserve system for the planet.[1]

In the meantime, in the process of moving towards this global central bank, the globalists are parasitizing the poor. As James Bovard put it:

> [T]he bank [(World Bank)] exists largely to maximize the transfer of resources to Third World governments. And by so doing, the bank has greatly promoted the nationalization of Third World economies and has increased political and bureaucratic control over the lives of the poorest of the poor.[2]

This labyrinthine oppression of the poor has been noticed by at least one senator. "U.S. Senator Jesse Helms exposed and denounced the shameful racket in 1987 in these words:"[3]

> [I]t is no secret that the international bankers profiteer from sovereign state debt. The New York banks have found important profit centers in the lending to countries plunged into debt by Socialist regimes. …
>
> The New York banks find the profit from the interest on this sovereign debt to be critical to their balance sheets. Up until very recently, this has been an essentially riskless game for the banks because the IMF and the World Bank have stood ready to bail the banks out with our taxpayers' money.[4]

It's well known that socialist regimes like the one in Venezuela are so intimidated by these banksters that they prioritize paying these debts over saving their people from starvation. It's not just socialist regimes that these banksters plague. It's any regime to whom they lend money. — When Helms spoke of "New York banks", he was speaking of what Jasper calls the "Rockefeller-Morgan banking interests":

> [T]heir boards of directors are filled with members of the Council on Foreign Relations and Trilateral Commission … The CFR-

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1 Jasper, **Global Tyranny**, p. 181.

2 James Bovard, "The World Bank vs. the World's Poor", Cato Institute Policy Analysis, No. 92, September 28, 1987, p. 1.

3 Jasper, **Global Tyranny**, p. 200.

4 Senator Jesse Helms, **Congressional Record**, December 15, 1987, p. S 18148.

> Rockefeller-Morgan Establishment has had a monopoly hold on the World Bank presidency since the institution was created[.][1]

As should be obvious by now, this bottom feeding on poor countries is a long way from encompassing all the wretchedness this globalist banking clique is perpetuating against the world's population.

It's well known that the fifth plank of the **Communist Manifesto** calls for "Centralisation of credit in the hands of the state, by means of a national bank with State capital and an exclusive monopoly."[2] Although the Federal Reserve is privately owned it is being controlled by collectivists as surely as if it were owned outright by the collectivist government.

> It stands to reason: You can't establish the total state … if people are allowed the freedom to produce their own goods and services, buy and sell what they need and desire, and travel where they please when and how they please. Communism is about rationed scarcity and *total* regimentation. Under Communism, "the State" (i.e., the ruling oligarchy that rules in the name of "the people") controls and rations food, clothing, housing, transportation, fuel, health care, education, communications, publishing, entertainment – everything.
>
> Monopoly control by "the State" of all money, savings, and credit is as essential to the totalitarian Communist system as its secret police, torture chambers, firing squads, and gulags.[3]

Although the US is not nominally communist, and doesn't claim to have a centrally planned economy, it should be obvious that it is aimed in that direction under the guidance of this massively powerful and elusive globalist faction.

> Most people find it amazing, then, to learn that the world's premier "capitalist" bankers and financiers subscribe to the same Marxist program. For decades, led by the Rhodes-Milner-Morgan-Rockefeller-RIIA-CFR-TC cabal, in one country after another, the Insider bankers have successfully pushed for the establishment of central banks. These central banks are patterned after our own Federal Reserve System, a completely Marxist operation that was foisted upon the American people by the banking trust in 1913, in one of the most gigantic deceptions in world history. … While having all the appearances of being

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1 Jasper, **Global Tyranny**, p. 201.

2 Karl Marx and Frederick Engels, **Manifesto of the Communist Party**, 1848. — URL: https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf, retrieved 16 April 2018.

3 Jasper, **The United Nations Exposed**, p. 216.

> run by national governments, these central banks are, in reality, run by the private RIIA-CFR-TC banking fraternity.
>
> Why do these "capitalists" support Marx's program? Again, the reason is simple: power, control. Recall that arch-conspirator Cecil Rhodes' "simple desire" was nothing less than "the government of the world." The one-world *banksters*, like their Bolsheviki brethren, want to control the world. And these supposed "mortal enemies" have worked hand in hand throughout much of the past century to bring about this totalitarian, global control. As Ford Foundation President H. Rowan Gaither (CFR) put it … , he and his one-world associates were making "every effort to so alter life in the United States as to make possible a comfortable merger with the Soviet Union."[1, 2]

This obsession with globalization is precisely why they are now allied with totalitarian Muslims. They have similar goals. The banksters can use the Muslims to move their agenda down the field. They are using them. As soon as such Muslims stop serving the globalists' purposes, they'll discard them just like they do anyone else they deem useless.

Within the legacy media (ABC, CBS, NBC, CNN, PBS, *etc.*), it's become normal to use the term, "conspiracy theorist" as a pejorative, a way of smearing anyone whose ideas they don't like. Given that the legacy media is owned and controlled by globalists, it should not surprise anyone that the legacy media uses this derogatory term to discount anyone aimed at unmasking and exposing the globalists. In many respects, these so-called "conspiracy theorists" are not merely theorists, because to a huge extent they are exposing and expounding conspiracy facts. Here is a summary of the banksters' conspiracy, as it existed in 2001, and as it continues to exist in 2018:

> A world central bank controlling all national monetary policies and currencies – until such time as a single global currency may be established – is essential to the one-worlders'

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1 Embedded endnote: "William H. McIlhany II, *The Tax-Exempt Foundations* (Westport, Conn.: Arlington House, 1980), p. 63. As recorded in note number 30 (p. 235) to Chapter 3, McIlhany interviewed Norman Dodd in 1976 and recorded that conversation as the 'Dodd Interview Transcript.' McIlhany also compared Mr. Dodd's memory of the conversation in 1976 'with his description of it years earlier in a letter he wrote to Howard E. Kershner on December 29, 1962.' 'Where there are any slight discrepancies between the two accounts [Mr. McIlhany] used the 1962 version.' In later years, Mr. Dodd gave similar statements in other interviews."

2 Jasper, **The United Nations Exposed**, pp. 217-218.

> East-West merger scheme. Much of their scheming, naturally, goes on secretly … at the continuous and mysterious meetings of such Insider circles of high-level finance as the G-7, G-22, IMF, World Bank, Bank for International Settlements, the Paris Club, the Bilderberg Group, and the World Economic Forum, as well as many smaller, informal conclaves.
>
> However, in order to advance their conspiratorial agenda, they must telegraph many of their plans to their lower-level operatives – in sanitized language, of course. By studying the documents, reports, speeches, and published utterances of these Insiders over the past several decades it is possible to determine their game plan and their ultimate goal. … [T]he Insiders' penultimate goal is to create regional blocs in which the nation-state will become so economically and politically interdependent and integrated that the nations are subsumed into regional supergovernments (the EU, WHFTA, APEC, etc.) with regional central banks and regional currencies. Once this is done, it is small work to merge the regional entities into a single global government.[1]

For decades, the globalists have been scheming to create a global central bank, a global currency, a global system of taxation, and control of global trade. "[T]he one-world Insiders recognize that economic control is their sure path to political control."[2] The most significant addendum to this conspiracy since 2001 has been the modification of currency entailed in so-called "sustainable" environmentalism.

Starting with 30s-era technocracy, and relayed by Zbigniew Brzezinski into the United Nations environmental conspiracy, are what the early technocrats called "energy certificates". Now these are more often called "energy credits" or "carbon credits". They were designed to "operate the economy", similar to the way money does. The following quote from Wood's **Technocracy Rising** shows more specifically how these energy certificates were intended to operate:

> *Energy Certificates are issued individually to every adult of the entire population. … When making purchases of either goods or services an individual surrenders the Energy Certificates properly identified and signed.*
>
> *The significance of this, from the point of view of knowledge of what is going on in the social system, and of social control, can best be appreciated when one surveys the whole system in perspective. First, one single organization is manning and operating the whole*

1 Jasper, **The United Nations Exposed**, pp. 219-220.

2 Jasper, **The United Nations Exposed**, p. 230.

> *social mechanism. The same organization not only produces but also distributes all goods and services.*
>
> *With this information clearing continuously to a central headquarters we have a case exactly analogous to the control panel of a power plant, or the bridge of an ocean liner.*[1, 2]

This scheme is clearly based on rationing. Whereas ordinary money works for whoever holds it, these energy certificates only work for the person to whom they are assigned. Also, the energy certificates only work for a specific period of time, after which they expire. This is obviously totalitarian control operating in the pockets of whoever is subject to the system.

The design of these technocratic energy certificates has been modified some since the Rio Summit in 1992. They were converted into "carbon credits":

> The modern system of carbon credits was an invention of the Kyoto Protocol … After becoming international law in 2005, the trading market is now predicted to reach $3 trillion by 2020 or earlier.
>
> …
>
> Who are the traders? … Currently leading the pack are JPMorgan Chase, Goldman Sachs and Morgan Stanley.[3]

JPMorgan Chase, Goldman Sachs, and Morgan Stanley are bankster organizations that were high-profile during the Great Recession. They should be trusted no more than convicted felons.

This almost summarizes the circumstances on the money-and-banking front. Speaking strictly in terms of secondary causes, the vision of the future under the purview of continued dominance by bankster globalists, is bleak. That's an understatement. But even within this realm of secondary causes, there is a glimmer of hope that poses an entirely different vision, a vision that could completely undermine the central-bank, fractional-reserve worldview.

(5) CryptoCurrencies

While one of Rothbard's 1983 objectives was to return to a gold standard, he also admitted that not all Austrian economists think this is feasible. He admitted that Hayek offered a different plan. Rothbard says that Hayek would "abandon the gold standard altogether and attempt to urge private banks to issue their own

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1 Embedded footnote: "Ibid., p. 238-239. — Wood presumably intends for this to reference the 1934 version of the **Technocracy Study Course**.

2 Wood, **Technocracy Rising**, p. 158.

3 Wood, **Technocracy Rising**, pp. 162-163.

currencies, with their own particular names, which the government would allow to compete with its own money."[1] With these two free-market alternatives to the globalist monetary agenda, there appear to be three options presenting themselves to 21st-century society: (i)Allow the globalists to continue implementing their plan, and follow them in doing so; (ii)follow Rothbard in trying to implement the gold standard, free banking, the abolition of central banking, and perhaps even the criminalization of fractional-reserve banking; and (iii)follow Hayek in having a free market in currencies.[2] Since the Great Recession in 2007-2009, a fourth option has developed. It comes largely out of the formal sciences, cryptography being a branch of mathematics. In some respects, current existence of cryptocurrencies is a *de facto* implementation of Hayek's plan, even though Hayek's plan said nothing about cryptocurrencies. — One emphatic aspect of Rothbard's plan was to "totally separate money from the pernicious and inflationary domination of the State."[3] Integrating cryptocurrencies into Hayek's plan should supply a gradual approach to achieving this crucial Rothbardian goal.

Prior to WWII, the Japanese diplomatic core sometimes used a cryptographic code for internal communications. The code was named "Purple" by US cryptanalysts. Because the US had largely broken the code prior to Pearl Harbor, factions within the general government knew that the Japanese would probably attack the US in late 1941. There's still controversy about the extent to which US cryptanalysts knew about the Japanese plans, but it appears likely that their information was not specific enough to be actionable. Later, the US broke the Japanese codes thoroughly, and also broke the German "Enigma" code, thereby contributing massively to the defeat of the Axis powers. — For as long as cryptography has existed, cryptographers have often believed that their code was unbreakable, while cryptanalysts have believed that no code can be created that cannot also be broken. These facts should be born in mind by anyone who intends to use a cryptocurrency.

Prior to 1976, the only kind of cryptography in existence was "symmetric-key". In symmetric-key cryptography, a specific code is used to encrypt a message, and a mirror code is used to decrypt it after it's been sent. This requires that some trusted carrier transport the encryption-decryption keys from encryption point to decryption

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1 Rothbard, **The Mystery of Banking**, p. 267. — Also see Rothbard, "'Hayek's Denationalization of Money', *The Libertarian Forum*, XV, nos. 5-6 (August 1981-January 1982): 9."

2 Some might claim a fourth alternative, namely, implementation of an utterly planned economy. That's not being considered here for reasons that should be obvious by now.

3 Rothbard, **The Mystery of Banking**, p. 267.

point. Based on the conceptual work of Ralph Merkle,[1] Whitfield Diffie and Martin Hellman published a scheme in 1976 that allows parties to establish a shared secret key over an insecure channel.[2] In this kind of "asymmetric" cryptography, two different but mathematically related keys are used, a public key and a private key. The public key is used to encrypt the message, while the private key is used to decrypt it. This asymmetric cryptography is essentially the cryptographic scheme used by bitcoin, which was the first viable cryptocurrency. It uses cryptography that has advanced substantially since the late 70s, but it's still asymmetric, using a type of "public-key cryptography".

Practically anyone who has a bank account and a debit or credit card knows that many monetary transactions happen over computer networks. Anyone who's ever used an ATM knows that digital cash can be easily converted into hand cash. When such transactions happen within the current monetary and banking systems, they are inherently centralized, because the central banking authority must authorize them. In today's system all buying and selling that are not either in hand cash, in the black market, or in the cryptocurrency market, have the central banking system as a third party to the transaction. With cryptocurrencies, people are able to engage in lawful buying and selling without hand cash, without precious metals, and without the fractional-reserve banking system as a third party to the transaction. Reliable cryptocurrencies are essentially a form of electronic cash, and they thereby move Rothbard's objective of moving society more-and-more towards a cash economy closer to realization.

In October of 2008, in the middle of the Great Recession, Satoshi Nakamoto published a paper titled "Bitcoin: A Peer-to-Peer Electronic Cash System".[3] In January of 2009, Nakamoto uploaded the first version of the open-source software for running the bitcoin system to the internet.[4] Publicly available knowledge indicates that "Satoshi Nakamoto" is an alias, either for an individual or for a group of people. Either way, whoever is behind the whitepaper and the original source code intends to remain anonymous, probably for fear of repercussions from central bank monetary authorities, who doubtless see decentralized cryptocurrencies as competition against their monopoly.

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1 Ralph Merkle, "Secure communication over an insecure channel", **Communications of the Association for Computing Machinery**, **21** (4): 294-299.

2 Whitfield Diffie, Martin E. Hellman, **IEEE Transactions on Information Theory**, vol. IT-22, No. 6, November, 1976, p. 644. — URL: https://ee.Stanford.edu/-hellman/publications/24.pdf, retrieved 19 April 2018.

3 URL: https://bitcoin.org/bitcoin.pdf, retrieved 20 April 2018.

4 To SourceForge.net.

According to Andreas Antonopoulos, "Bitcoin represents the culmination of decades of research in cryptography and distributed systems and includes four key innovations brought together in a unique and powerful combination. Bitcoin consists of:

- "A decentralized peer-to-peer network (the bitcoin protocol)
- "A [distributed] public transaction ledger (blockchain[, *i.e.*, a database of public transactions])
- "A set of rules for independent transaction validation and currency issuance (consensus rules)
- "A mechanism for reaching global decentralized consensus on the valid block-chain (Proof-of-Work algorithm)"[1]

Although there are no guarantees that this is the ultimate in safe and reliable money, there are ample reasons to believe that it is morally and practically safer than central-bank fiat currency. A crucial reason that it's safer is that it does not require a central authority. Another reason is that it's based on open-source software, which means that any programmer can go there and read the computer code, and verify that it works the way its advocates claim it works. While central-bank scammers control how their electronic money works, decentralized cryptocurrencies are controlled by software developed by a voluntary community of programmers who are dedicated to observing these "four key innovations".

Bitcoin was the first decentralized cryptocurrency. Since its advent in 2009, numerous other cryptocurrencies have been introduced. They are all based on the bitcoin model. It's important to understand that the central banking enthusiasts have also been introducing cryptocurrencies based on blockchain technology. But their cryptocurrencies are always centralized, connecting the blockchain to the existing banking system. Anyone interested in freedom and morality, and in advancing the vision of the Austrian economists, should avoid such centralized cryptocurrencies. Through the long history of central banking, the globalists have become experts at co-opting movements that they don't like. They apparently believe that they can co-opt the movement started by Satoshi Nakamoto. Whether this is true or not, only time will tell. For the present, anyone committed to the natural-rights polity should support and use decentralized cryptocurrencies as much as possible, and likewise abandon the central-bank, fractional-reserve currencies as much as possible.

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1 Andreas M. Antonopoulos, **Mastering Bitcoin: Programming the Open Blockchain**, 2nd ed., 2017, O'Reilly Media Inc., Sebastopol, CA, Chapter 1, "Introduction", p. 2.

There's no doubt that the extent to which this is possible for any given person is subject to the extent to which decentralized cryptocurrencies are legal under the *de facto* system. The following paragraph from Wikipedia is a reasonable appraisal of the current legal status of cryptocurrencies internationally:

> The legal status of cryptocurrencies varies substantially from country to country and is still undefined or changing in many of them. While some countries have explicitly allowed their use and trade, others have banned or restricted it. Likewise, various government agencies, departments, and courts have classified bitcoins differently. China Central Bank banned the handling of bitcoins by financial institutions in China during an extremely fast adoption period in early 2014. In Russia, though cryptocurrencies are legal, it is illegal to actually purchase goods with any currency other than the Russian ruble.[1]

In the US, the IRS is treating bitcoin as property, and it is therefore subject to capital gains taxes, for anyone under the IRS's jurisdiction. Other than IRS meddling, bitcoin appears to remain legal in the US, for the present, and it can certainly be used to legally purchase goods and services.

According to the BitcoinWiki website,

> Bitcoins have all the desirable properties of a money-like good. They are portable, durable, divisible, recognizable, fungible, scarce and difficult to counterfeit.[2]

Given that Rothbard is right in claiming that there are four characteristics of money that maximize advantages over barter, it's interesting to see how Rothbard's four characteristics coincide with these claims about bitcoin. Rothbard's first characteristic of money is that money should first be a commodity under heavy demand. Anyone who claimed that any cryptocurrency was a commodity might be scorned, but on the other hand, it's like a commodity in cyberspace, and it's certainly under heavy demand. It's under heavy demand because of its numerous advantages over central-bank-based currencies. So assuming that cyberspace is a real place, even though it's obviously different from the three-dimensional physical space that usually encompasses commodities, decentralized cryptocurrencies can be understood to be cyber-commodities under heavy demand. Rothbard's second characteristic of money is that it's highly divisible. Bitcoin certainly has that characteristic. Rothbard's third characteristic is that it should be portable. Given that cryptocurrencies exist in cyberspace, they are at least as portable as centralized digital currencies represented by debit and credit cards. They may not be portable

1 URL: https://en.wikipedia.org/wiki/Cryptocurrency, retrieved 13 April 2018.

2 URL: https://en.bitcoin.it/wiki/Main_Page, retrieved 19 April 2018.

outside of cyberspace, but they can certainly be traded for central-bank-issued cash, which is portable outside cyberspace. Rothbard's fourth characteristic of money is that it should be durable. Bitcoin has proven itself as durable as any central-bank currency since its introduction in 2009. — If Rothbard were alive in the post-Great Recession era, it's fairly certain that he would recognize decentralized cryptocurrencies as money.

The following bird's-eye-view appraisal by Antonopoulos of bitcoin's history is a good way to summarize this brief introduction to decentralized cryptocurrencies:

> The emergence of viable digital money is closely linked to developments in cryptography. This is not surprising when one considers the fundamental challenges involved with using bits to represent value that can be exchanged for goods and services. Three basic questions for anyone accepting digital money are:
>
> 1. Can I trust that the money is authentic and not counterfeit?
> 2. Can I trust that the digital money can only be spent once (known as the "double-spend" problem)?
> 3. Can I be sure that no one else can claim this money belongs to them and not me?
>
> Issuers of paper money are constantly battling the counterfeiting problem by using increasingly sophisticated papers and printing technology. Physical money addresses the double-spend issue easily because the same paper note cannot be in two places at once. Of course, conventional money is also often stored and transmitted digitally. In these cases, the counterfeiting and double-spend issues are handled by clearing all electronic transactions through central authorities that have a global view of the currency in circulation. For digital money, which cannot take advantage of esoteric inks or holographic strips, cryptography provides the basis for trusting the legitimacy of a user's claim to value. Specifically, cryptographic digital signatures enable a user to sign a digital asset or transaction proving the ownership of that asset. With the appropriate architecture, digital signatures also can be used to address the double-spend issue.
>
> When cryptography started becoming more broadly available and understood in the late 1980s, many researchers began trying to use cryptography to build digital currencies. These early digital currency projects issued money, usually backed by a national currency or precious metal such as gold.

> Although these earlier digital currencies worked, they were centralized and, as a result, were easy to attack by governments and hackers. Early digital currencies used a central clearinghouse to settle all transactions at regular intervals, just like a traditional banking system. Unfortunately, in most cases these nascent digital currencies were targeted by worried governments and eventually litigated out of existence. … To be robust against intervention by antagonists, whether legitimate governments or criminal elements, a *decentralized* digital currency was needed to avoid a single point of attack. Bitcoin is such a system, decentralized by design, and free of any central authority or point of control that can be attacked or corrupted.[1]

This decentralized feature is absolutely crucial to recognition of cryptocurrencies as Rothbardian cash.

Rothbard makes a distinction between inflation that arises internally to the market and inflation that is the product of government intervention in the market, and that is therefore the result of external interference in the market. In the mythical case of Ruritania, the inflation was obviously caused by external, government intervention. If a gold miner in Ruritania had taken his newly extracted gold to Ruritania's mint to have it turned into *rurs*, this would have been a form of monetary inflation arising internally to the market, the product of the honest labor of the honest miner, not of the fraudulent conniving of the king. — A similar comparison can be made between the monetary inflation caused by the inherently inflationary central banking system and the far-more-modest inflation of bitcoin through bitcoin mining. Bitcoin mining is internal to the market, and there is nothing inherently dishonest about it. But central-bank monetary inflation is inherently dishonest, damaging, and fraudulent.

Cryptocurrencies appear to offer a vehicle through which people can completely bypass the statist / globalist systems of money and banking. One hard problem with this appearance is the fact that cryptocurrency transactions are almost totally dependent upon the existence of the internet. This could be a problem if the internet were to ever cease to function. The internet would generally cease to function whenever and wherever the electricity necessary to make it run became unavailable. This could happen if an electromagnetic pulse (EMP) downed the electric grid. Regardless of whether the EMP was a natural result of a solar flare or the effect of some nuclear weapon, this grid-down scenario is a very real possibility that should not be ignored. It's therefore critical, for the sake of continuing economic activity, to have available some currency system that is not dependent upon the grid, as a

1 Antonopoulos, p. 3.

backup if nothing else. This is precisely why Rothbard's recommendations about precious-metals-based money and banking should not be classified as quaint and irrelevant, even by cryptocurrency enthusiasts. Rothbard's recommendations are also still relevant for other reasons that relate to the *metaconstitution* and the natural-rights polity. More specifically, the issue of trade across borders is impacted directly by the existence of electronic cash, regardless of whether it's centralized digital money or decentralized cryptocurrencies. Both are media of exchange that can easily cross borders.

A *religious social compact* should be able to control imports and exports across its borders to whatever extent it deems such control necessary. This even includes internet transactions, if the parties to the *religious social compact* deem such control necessary. By themselves, such internet communications are harmless. People within the borders of the compact should be able to easily control them. They can only be harmful to the extent that internet assets actually located on a server or client within the territorial jurisdiction of the compact are vulnerable to attack, or to the extent that electronic devices are connected to the internet. It's impossible for someone to actually send a knife, a gun, or a bomb over the internet and to thereby actually harm people. But if electronic devices, like refrigerators, dishwashers, *etc.*, are connected to the internet, nefarious characters outside the territorial jurisdiction of the compact could control those devices. That's precisely why such devices should never be connected to the internet. Likewise, a cryptocurrency wallet should never be left vulnerable to internet strangers. Neither should one leave centralized-digital-currency assets vulnerable to black-hat hackers. If one allows such vulnerability, and has such assets stolen, then one can try as one might to regain control of the assets and punish the perpetrators, but this response is likely to be so difficult that it's ultimately fruitless. So being a careful good steward of one's internet connectivity demands that people minimize vulnerabilities while maximizing internet utility. For some *religious social compacts*, this may demand no internet connectivity whatever within the confines of the compact. Under such circumstances, the people within the *religious social compact* could use some community-based, Rothbardian currency for transactions within the community.

In contrast to *religious social compacts*, a lawful *secular social compact* is inherently limited in the extent to which it can control imports and exports across its border. It can control such imports and exports only on the grounds that they constitute a *delict*, or a very real threat of a *delict*, which is itself a *delict*. Within any given *jural society*, especially one subject to a *secular social compact*, *delict* must be defined crudely enough for any adult human of average intelligence to recognize it as genuine damage. Because lawful *secular social compacts* are so dependent upon this crude definition,

whatever harm might arise from such imports and exports must exist within this range of crudeness. This generally eliminates the possibility that protective tariffs could ever be imposed by a lawful *secular social compact*. It also eliminates the possibility that a lawful *secular social compact* could ever lawfully terminate internet communications across its borders, including by way of various firewalls, screenings, and filterings. It's reasonable to check imports into a lawful *secular social compact* that are coming from a non-natural-rights-honoring, dysfunctional *social compact*, to make sure that those imports don't constitute a *delict*. And it's reasonable to charge some fee for such checking, and to require whatever entity receives the import to pay the fee. But the internet, by itself, does not constitute such a *delict*, doesn't deserve such fees, and should remain perpetually outside the control of *secular* government. This hands-off approach necessarily applies to cryptocurrencies.

Because *secular* governments have been so corrupt for so long, and because doing so is inherently outside their lawful subject-matter jurisdiction, it's critical that *secular social compacts* never be allowed to deal in cryptocurrencies. Because entities like JPMorgan Chase, Goldman Sachs, and Morgan Stanley have been such purveyors of central-bank, fractional-reserve corruption for so long, whenever central banking and fractional-reserve banking are delegitimized, so should be the centralized cryptocurrencies created by Chase, Sachs, Stanley, *etc*. In fact, it's so important for *secular* governments to keep their hands off decentralized cryptocurrencies that lawful *secular social compacts* should only be allowed to operate by commodity-based, Rothbardian currencies, currencies backed entirely by commodities like gold and silver. The purposes of a *secular social compact* are concrete, physical, and rudimentary. So the currency in which it deals should be the same.

Given this Hayekian competition in currencies within the territorial jurisdiction of lawful *secular social compacts*, and given that central banking and fractional-reserve banking are both abolished, will there be any need for banks? — There will certainly be a need for loan banks. In fact, loan banks essentially already exist on the internet, except that they're often still using centralized digital cash. There should be no need for deposit banks unless they are 100% reserve banks, one of whose uses would be interfacing the market with the *secular social compact*. There will be no need for depositing cryptocurrencies solely for the sake of warehousing them. But there will probably be some need for cryptocurrency exchanges.

(vii) The Militia, the Military, & Global Consolidation

So far, this cursory overview of modern society from the perspective of the natural-rights polity, and with a focus on Babel-like global consolidation, has covered the globalists' influence on jurisprudential sovereignty, religion, science, economic

systems, law, money, and banking. Before calling this overview complete, it will be necessary to examine the interface between the globalists and the military. A good place to start is with what President Eisenhower notoriously called the "military-industrial complex".[1] Because Eisenhower's farewell address also cogently recognized the relationship of this complex to scientific research, this complex is also sometimes called the "military-industrial-academic complex". Unlike the former phrase, the latter doesn't appear verbatim in the speech. But the president spoke clearly about the influence of federal funding on academic research. A crucial point of the speech was that, starting at the beginning of the Cold War, the US had been "compelled to create a permanent armaments industry of vast proportions". Compelled by what? By "a hostile ideology – global in scope, atheistic in character, ruthless in purpose, and insidious in method". In short, by Marxism. The USSR had the bomb. And as Krushchev indicated as he pounded the UN podium with his shoe, saying "We will bury you", there was a real threat that they might use it. In the 50s and 60s, these factors certainly struck almost all Americans as compelling motivation to set up an unprecedented military-industrial-academic complex, and to do whatever else was necessary to stop the Marxists from taking over the world. Even so, there's room now to question how rational the American response to this Soviet threat was.

There is ample evidence that the same globalist banksters who set up the Federal Reserve also helped finance the Soviet Union.[2] There's ample evidence that the same cabal of banksters helped set up, and had a vested interest in maintaining, the military-industrial-academic complex. This same cabal still has undue influence over research, and over power centers in general. In fact, prior generations of this cabal have been sympathetic to American loose constructionist inclinations ever since the American War for Independence. The same set of banksters has been war profiteering practically since fractional-reserve and central banking were invented. Loose constructionism has given them more freedom to pit one side against another, and to place their bets like so many gamblers at a cockfight. In fact, loose constructionism has been thwarting the American emergence of the natural-rights polity ever since the founding era, and wars, and war profiteering, have been integral aspects of that thwarting of natural rights.

It's common knowledge that shortly after WWII, the USA and the USSR entered into a nuclear standoff, the "Cold War". Because the Marxist leaders of the Soviet

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1 "Military-Industrial Complex Speech", President Dwight D. Eisenhower, 1961. — URL: http://avalon.yale.edu/20th_century/eisenhower001.asp, retrieved 23 April 2018.

2 G. Edward Griffin, **The Creature from Jekyll Island: A Second Look at the Federal Reserve**, 4th ed., 2002, American Media, Westlake Village, CA, pp. 123, 263-267, 274-277.

Union viewed capitalist Americans as inherently inimical, and because Americans had generally decided against following the Russians any further into their free-market thwarting, centrally planned, Marxist economy, it generally appeared to Americans, including to Eisenhower, that the military-industrial-academic complex was an inevitable concession made to the hard facts of the Cold War. Even though that concession looked inevitable then, and may look inevitable to people looking at the circumstances in retrospect, the inevitability is not a safe assumption when viewed from the perspective of God's **preceptive will**.

There can be no doubt that it was God's **decretive will** for the Cold War to come into existence. But it's critical to understand the extent to which the Cold War was consistent with God's **preceptive will**. Given that the natural-rights polity is the manifestation of God's **preceptive will** for global human law, and given that loose constructionists had been leading the American experiment further and further away from His **preceptive will** since the 1790s, there's no way that anyone should acquiesce to the globalists by saying that the military-industrial-academic complex was inevitable in 1961, or that it's inevitable now. It was the result of bad collective choices that Americans made, one after the other, starting immediately during and after the ratification of the Constitution and continuing for decades. The focus should not be so much on keeping or deleting the military-industrial-academic complex, as it should be on empowering the natural-rights polity and *metaconstitution*. It should be on acting in accordance with God's **preceptive will**, rather than being a hostage to globalist forces that the globalists always claim are inevitable and insurmountable.

When the USSR collapsed around 1990, because of the economic calculation problem, is it likely that the banksters would want to dismantle the complex that had become crucial to their Babel agenda? No. So because the American people had this deeply entrenched habit of making concessions to loose constructionists, they would make another in 1990, and allow the globalist cabal to continue having their complex; so the military-industrial-academic complex continues existing to this day, more toxic and dangerous than ever. — What, specifically, do Americans do, who are aware of these circumstances?

In order to know how to deal with these circumstances, it's critical to understand what the Constitution read by way of the *metaconstitution* says about the military, government's interface with industry, and government's interface with academia.

(i)The Constitution speaks of the general government's interface with industry by saying that "Congress shall have the Power … To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes" (article I § 8 clause 3). This is the clause that loose constructionists have used perniciously to grow the

general government into a *bona fide* monstrosity. Under the *metaconstitution*, there is no allowance for a *secular social compact* to regulate commerce, or to interfere in lawful industry in any way. Under the *metaconstitution*, there is an allowance for inspection of goods and people in the process of crossing an international border, where such goods and people originate from a foreign land whose government is inimical to the natural-rights polity. This is not so much a regulation of commerce as a defensive mechanism against foreign treachery. It does not open the Constitution to allow for protective tariffs and other such loose constructionist excesses. If "Commerce … among the several States" is understood to be commerce between lawful *secular social compacts* under the *metaconstitution*, then there is no need for regulation of Commerce between the States. Under such circumstances, a free market exists between such States. History says clearly that the reason the framers called for Congress to "regulate Commerce … among the several States" was because the States under the Articles of Confederation had mercantilist barriers like protective tariffs between each other. The historical evidence shows undeniably that this clause was put there to get rid of those barriers, not so that loose constructionists could use it to pervert fundamental purposes. This *metaconstitutional* interpretation of this feature of the Constitution is consistent with the natural-rights polity. It shows that from the perspective of God's **preceptive will**, secular government's present interface with industry under the military-industrial-academic complex is thoroughly fouled up.

(ii)Under the military-industrial-academic complex, academic research is merely an appendage of the armaments industry. This skews all academic research, by way of funding sources like the National Science Foundation, primarily towards the development of weapons, secondarily towards advantaging globalist enterprises over non-globalist enterprises, and tertiarily towards the transformation of society into a surveillance state. There is even less constitutional rationale for a *secular social compact* to interfere in lawful academic research than there is for it to interfere in lawful industry.

(iii)Although it should be obvious that there is no room in the *metaconstitutional* interpretation of the Constitution for the general government to fund academia or to direct research, and no room for it to interfere in lawful industry, the general government's relationship with the military is entirely different. — The general *secular social compact* must be constituted by a *jural society* and an *ecclesiastical society* (strictly defined). The *jural society* by definition must have each of the three powers that make it lawfully effective: legislative powers, executive powers, and judicial powers. Within the scope of executive powers, the *jural society* is by its nature obligated to defend the people within its territorial jurisdiction against harm arising *ex delicto*, arising either internally and domestically or externally and

non-domestically. This demands the perpetual existence of some at least modest police force, for the domestic side, and of some at least modest military, for the non-domestic side. Because of the extremely limited nature of the general government's original territorial jurisdiction, the general government's internal police force was originally small, consisting originally of the US Marshals Service, which was created by the Judiciary Act of 1789. The military, that part of the *jural society* dedicated to defense against external attack (and to put down domestic insurrection when such insurrection is deemed too big for the police to handle), originally consisted of the army (U.S. Const. art. I § 8 cl. 12), navy (including the marines — U.S. Const. art. I § 8 cl. 13), and the "Militia of the several States" (U.S. Const. art. I § 8 cl. 15; art. II § 2 para. 1).

The founding generation had a jaundiced view of standing armies. The evidence supporting this claim appears in the Declaration of Independence, the Constitution, and screeds of that generation's writings. In its list of grievances against the "King of Great Britain", the Declaration says, "He has kept among us, in times of Peace, Standing Armies, without the Consent of our legislatures." In its list of powers of the legislature, the Constitution indicates that "Congress shall have Power … To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years" (art. I § 8 cl. 12). If an army stopped being useful as an army, and started being a nuisance like the king's army, then the framers wanted to eliminate its funding. That's why they made the term of its funding no longer than two years. They did not put the same restriction on the navy. They also didn't put that kind of restriction on the "Militia of the several States". — Because the status of the militia has changed so radically since the founding era, especially since the juggernaut of ***national consolidation*** started, it will be necessary to examine it in more detail than either the army or the navy.

Under a strict reading of the Declaration and Constitution from the perspective of the natural-rights polity, there is no allowance for the general government to sponsor a gargantuan industry, and there is little room for a standing army, or for a navy or militia, to dominate society. Although all this is not deniable by those who are informed and good intentioned, Eisenhower had this to say about circumstances in 1961, which circumstances certainly appear to violate these fundamental standards:

> Until our latest conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We

> annually spend on military security more than the net income of all United States corporations.[1]

This is obviously a massive violation of the *metaconstitution* if this government-sponsored "armaments industry" cannot be justified as necessary under the *jural compact*. This also violates the framers' generally held repugnance towards allowing a standing army in time of peace. It's necessary to study the Constitution through *metaconstitutional* interpretation policies in order to find an acceptable alternative to this gargantuan armaments industry, the standing army, and the military-industrial-academic complex in general.

These new circumstances described by Eisenhower would have been much different if the US had not already gone a long way down the collectivist road. With the loose constructionists having gained a monumental advantage at the War Between the States, the country was well on its way to ***national consolidation***. This juggernaut picked up steam, and started becoming increasingly collectivist by way of the Federal Reserve Act, the 17th Amendment, the 16th Amendment, all the loose-constructionist laws passed by the general government during the 30s, the adoption of the UN Charter, *etc.* This is equivalent to a massive adoption of all ten planks of the **Communist Manifesto**. The circumstances and pressures pointed out by Eisenhower could have been handled much differently if this fourth, administrative branch of government had not been erected. So under pressures from Marxists, because the Constitution had been largely abrogated in practice, there did not appear to be any alternative to allowing the existence of the military-industrial-academic complex to run its course, to wherever that course would lead. It makes no sense to play a game of What-If things had been different. Through divine providence, they were what they were. The question needed here is, What's necessary and lawful now under the natural-rights polity and *metaconstitution*? What has God's **preceptive will** been all along, and how do people change the present circumstances in order to align with His **preceptive will**?

There are two overriding factors that dominate the vision of how to go forward from 2018 into the future: (i)preserving and extending the visible Church of Jesus Christ, and (ii)keeping the world and the human race from being destroyed by all the sundry weaponry and Frankensteinian adventurism of the military-industrial-academic complex, *i.e.*, by the Babel-building, ***global consolidationists***. These two factors define two different poles or approaches to dealing with present circumstances. The first pole revolves around the impetus to divest oneself utterly of the existing sick system, as much as possible, for the sake of reforming and advancing the visible

1 "Military-Industrial Complex Speech", President Dwight D. Eisenhower, 1961. — URL: http://avalon.yale.edu/20th_century/eisenhower001.asp, retrieved 23 April 2018.

Church. The second pole revolves around the impetus to stay in the existing system to reform it from within. Both of these poles are important, for two completely different reasons. The first pole is important, in this age in which reliable, Bible-based theology has been mostly shelved for over two centuries, and in which horrible theology and pseudo-Christianity are rampant, for the sake of providing a vision of where the visible Church, and humanity in general, should be headed. The second pole is important for the sake of keeping the mentally and morally defective from destroying the human race. There must be people willing to fight for control of power centers within the existing system, rather than abandoning those power centers to the control of globalists and their horde of miscreants. Both of these poles are important. In some respects, they may define a pincer strategy, opposing the globalists from two different poles, or approaches. For both of these two poles, the role of the founding documents of the *united States* is important. It's therefore necessary to understand the founding documents from the perspective of the natural-rights polity, for the sake of both poles of the pincer strategy.

(1) Overview — Natural-Rights Polity as Basis for Originalism:

"Originalism" is a philosophy of legal interpretation that arose during the 1980s to replace the discredited "strict constructionism". Originalism in the present context should be understood to be the search for the original meaning of the Constitution and laws. But "meaning" here doesn't refer to trying to determine what any given person meant. In the words of Justice Oliver Wendell Holmes, the matter is "not what this man meant, but what those words would mean in the mouth of a normal speaker of English, using them in the circumstances in which they were used."[1] So the meaning of the words should be ascertained by finding how those words are used in the Declaration of Independence, in the statutes and constitutions of the thirteen pre-constitutional colonies and States, in the Articles of Confederation, in Blackstone's **Commentaries on the Laws of England**, and in other legal documents that were commonly read by the framers. Originalism may supply the best possible appreciation for what the framers meant the law of the land to be, but it should not be taken as the final word on what the law of the land should be under the natural-rights polity.

To whatever extent originalism is rationally consistent with the natural-rights polity, originalism should be understood to be reliable. But Bible-believing Christians should owe their allegiance first to the rule of God and the Bible, and secondarily to the rule of human laws. It's necessary for Christians to interpret

1 Oliver Wendell Holmes Jr., **Collected Legal Papers**, 1990, Peter Smith Publisher Inc., Gloucester, Massachusetts, p. 204.

human laws within the context of Bible-based theology. So to whatever extent a Christian is convinced that the natural-rights polity properly interprets what the Bible prescribes as human law, he/she should interpret existing human law from that perspective. This will almost certainly mean putting oneself at odds with the currently popular "living constitution", with loose-constructionist approaches to interpreting the Constitution in general, and with many laws and administrative rules that were promulgated based on loose-constructionist assumptions.

The preamble to the Constitution starts with the phrase, "We the people of the United States". At the time that it was written, the writers assumed that if "We the people" ratified the Constitution, then the other things stated in the preamble would provide the reasons, motivations, and explanations for their ratification. This use of the word "people" is important because it correlates to the use of "people" in the 2nd Amendment, where it's used in the clause, "the right of the people to keep and bear Arms shall not be infringed". There's no evidence anywhere to indicate that the preamble phrase and the 2nd Amendment clause refer to different sets of people. So they must refer to the same people. — There has been a long-standing debate between strict constructionists and loose constructionists over what "We the people" really means. Does it mean all the human beings encompassed by the perimeter of the territorial jurisdiction of the aggregate *united States*, or does it mean something more specific than that, like the people's process of sending their representatives to special conventions for ratifying the Constitution? Whether it's one or the other is important in American politics because it is important in the difference between a ***national consolidation*** and a ***confederate republic***. In a consolidated national government that is presumably democratic, the people have the power to vote on national issues, in particular on who will represent them at the national level. If the States are merely administrative provinces of the national government, then State citizens can reach directly into national politics via the vote, and the national government can reach directly into the pockets of State citizens via federal taxation. On the other hand, if the system is a ***confederate republic*** and not a consolidated national government, then the State stands as a semi-permeable barrier between the national government and the State citizen, and each State exists as a core exerciser of jurisprudential sovereignty.

Numerous documents from the founding era indicate clearly that the Constitution was ratified by the people in representative assembly, not by the people at large, and they indicate that the framers intended for the Constitution to be a ***confederate republic***, not a consolidated nation. — The Congress of the Confederation requested the Constitution on February 21, 1787,

> for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein and when agreed to in Congress and confirmed by the States render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union.[1]

This indicates that "We the people" are to be composed of the Congress of the Confederation, as it agrees to the "alterations and provisions", along with the governments of the several States as they give their approval, especially through their legislatures. So "We the people" was intended from the start to be the people in representative assembly. But is this conception of "We the people" consistent with the natural-rights polity? Maybe, but not necessarily.

Based on the fact that the Declaration states plainly that governments derive "their just Powers from the consent of the governed", it rationally follows that at the time of the ratification of the Constitution, all those governed within the perimeter of the "United States" must have consented to such government, and that such government was based on such universal consent. But if one assumed this, one would be wrong. This rational bridge between the Declaration and the Constitution is erroneous, because many people did not, in fact, genuinely consent. For example, three delegates to the Constitutional Convention, who were present at its signing, refused to sign it.[2] This shows that they did not consent to it. What's more, most people were not delegates to Congress or to any of the State legislatures, or to any of the State Constitution-ratification conventions; so most were not even given an opportunity to consent. — In order to reconcile the framers' grandiose use of "We the people" in the preamble, with the fact that there were huge swathes of the general population who had little or no opportunity to either consent or dissent regarding ratification of the Constitution, it's necessary to admit that the delegates to the Constitutional Convention must have conceived of "We the people" in a way that was not consistent with the natural-rights polity, but was instead consistent with John Locke's conception of the "social contract". It's necessary to admit that practically all those who actively had the opportunity to consent or dissent regarding ratification must have shared the Lockean conception.

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1 "Resolution of Congress, 21 February 1787", **The Founders' Constitution**, University of Chicago Press. — URL: http://press-pubs.uchicago.edu/founders/documents/a7s1.html, retrieved 15 May 2018.

2 Edmund Randolph and George Mason, both from Virginia, and Eldridge Gerry from Massachusetts.

Even Grotius' **Law of War and Peace** speaks of the social contract; but it never explains how such a perpetual contract can be based on genuine consent. Locke's **Second Treatise on Civil Government** also speaks plainly of a presumed social contract; but it also never explains how it can be based on genuine consent. This failure of practically all social contract theorists to explain how their theory can really be based on genuine consent is the reason libertarians like Murray Rothbard and Williamson Evers rejected the social contract theory entirely. Given the obvious correlation between the biblical covenants and the claim that governments arise out of social contracts, it's not acceptable to throw the social contract theory out entirely, because it's not acceptable to Bible believers to throw the biblical covenants out at all. Instead, it needs to be explained how the social contract / compact can arise out of genuine consent, and exist perpetually without any inherent violation of genuine consent. This booklet did that at the Genesis 9:6 encampment. But that elucidation of the social contract did not exist at the time of the Constitution's ratification. So it would be serious error to assume that the original meaning of "We the people", as it appears in the preamble, is completely consistent with genuine consent, and therefore with the natural-rights polity. For all the reasons given at the Genesis 9:6 encampment, it was not thus consistent at the ratification, and it has not been thus consistent up to the present. Does this mean that the Constitution should be thrown out the same way Rothbard and Evers threw out the social contract? This depends upon whether "We the people" can be understood in a way that's rationally consistent with the natural-rights polity. Because there is such a way, it's not OK to follow Rothbard and Evers on this front.

Humans are not perfect, and neither are their governments. But abandoning government entirely is not an option. Governments of some kind are needed in an imperfect world "to secure these rights", in the words of the Declaration, more specifically, to secure "certain unalienable Rights", meaning rights to "Life, Liberty, and the pursuit of Happiness" and other rights too numerous to articulate. But in the process of instituting some kind of government aimed at securing rights, it's crucial to come as close to meeting the standard of the natural-rights polity as possible. Otherwise, one is left with statism and the separation of the population into a ruling class and a ruled class, as well as numerous other problems that arise out of deliberately disobeying God's **preceptive will**. Because that's the case, an originalist definition of "We the people" is inadequate, and it needs to be massaged by the *metaconstitutional* definition. So what alternative definition does the natural-rights polity offer, and is it lawful to be redefining terms within the Constitution?

Although the Constitution did not genuinely define a government genuinely grounded on consent, abandoning the Constitution because it is not perfect is not a

viable option. Neither is any option offered by the globalists. What's necessary is a metamorphosis of the existing structure into the natural-rights polity. How this is to be done is necessarily a core concern of this examination of the military, because questions like who should be in the military, how should it be composed, who should control it, how should it be deployed, and who should pay for it, are all crucial. — Returning to the idea that some kind of pincer strategy is needed to combat the globalists and their horde of miscreants, and to defend and advance the visible Church of Jesus Christ, it's necessary to admit that abandoning the Constitution is not an option. (i)It's not an option for the stay-in-the-system side of the pincer strategy because that would be like abandoning the power center at the core of many other power centers. Such abandonment would be an invitation to globalists and their horde of miscreants to take over the power center at the top of the hierarchy of national power centers. In fact, the Constitution has been getting abandoned piecemeal practically since its ratification, and most institutional power centers are now under the control of globalists and their horde of miscreants. The purpose of the stay-in-the-system side of the pincer strategy is to take control of the power centers, not to abandon them. This will require an interpretation of the Constitution that is a rigorous alternative to the currently prevailing loose-constructionist, "living" interpretations, and also an alternative to originalism. (ii)Abandoning the Constitution is not an option for the get-out-of-the-system side of the pincer strategy for different reasons. This prong of the pincer is not dedicated primarily to fighting for control of power centers. This side of the pincer strategy is dedicated primarily to serving Christ and the local church. Because this is not fighting for control of existing power centers, it might not seem appropriate to characterize this as a pincer strategy. But until a better analogy is discovered for describing the strategy of those fighting the globalists, the pincer will need to suffice.

The get-out-of-the-system prong of the pincer is responsible for providing an interpretation of the Constitution that is a rigorous alternative to the prevailing legal slop. This prong can be thought of as a distributed network of brains, one of whose purposes is to coordinate all the efforts at taking control of institutional power centers, but whose primary purpose is to defend and extend the visible Church of Jesus Christ. The part of this out-of-the-system prong that is aimed at aiding the in-the-system prong's fight for control of power centers, is better conceived as a network of *secular social compacts* and *jural societies*. Some of these *jural societies* are likely to be appended to *religious social compacts* that are dedicated to this extended Reformed hermeneutic. Such *religious social compacts* are naturally dedicated to escaping, like in the Exodus, the existing system. But the *jural society* appended to such a *religious social compact* would be dedicated not only to helping its *social compact* to escape, but also to helping other *secular social compacts*, *jural societies*, and individuals to

take control of power centers, and to change those power centers so that they are compatible with the *metaconstitution*.

In order to understand the roles of these two poles of people dedicated to opposing the system, it's important to define what's meant here by "system": (i)There is a system that arises rationally and consistently out of originalist interpretations of the Constitution, including out of its lawful amendments. In saying that there are two poles, one dedicated to taking control of power centers within the system, and the other dedicated to getting out of the system, this is not the system that's being referenced. The system that arises rationally out of originalism has had vulnerabilities that have allowed the globalists and their horde of miscreants to pervert it. It's reasonable to call this the originalist system. (ii)There is the system that exists by way of the globalist takeover of the originalist system, a takeover that started almost immediately after the ratification of the Constitution. Although the originalist Constitution was not perfect, and was essentially a jurisdictionally dysfunctional *secular social compact*, the globalists and miscreants, along with their "useful idiots", have built a monstrously dysfunctional system on top of the originalist system. In saying that there are two poles, one dedicated to taking control of the power centers within the system, and the other dedicated to getting out of the system, THIS is the system that's being referenced, the radically, monstrously dysfunctional system. (iii) There is a system that arises rationally and consistently out of the natural-rights polity. Because the *metaconstitution* arises thus out of the natural-rights polity, and should provide a way to interpret the Constitution that is rationally consistent with the natural-rights polity, this is the system that is the alternative, and the goal, of the two poles of people dedicated to opposing the system dominated by the globalist agenda. In saying that there are two poles, one dedicated to taking control of power centers within the system, and the other dedicated to escaping the system, this is not the system that's being referenced. — Essentially, what's generally meant by "the system" within this context is the *de facto* legal, political, and cultural system. The *de jure* system is the legal, political, and cultural system that arises rationally out of the natural-rights polity and *metaconstitution*. The originalist system is between the *de facto* and the *de jure* systems. In general, "the system" refers to the *de facto* system.

In many respects, the pole that's dedicated to escaping the system is dedicated to forming a power center outside the system. This is for the sake of living and acting in accordance with the Reformed hermeneutic as extended by this booklet. This pole is not presently populated, because Christians with this theological orientation are presently rare. There is a need for this presently unpopulated pole to be populated with people dedicated to establishing a prototype of the *metaconstitutional* system.

But this need does not apply only to Christians. Christians are capable of forming *religious social compacts* compatible with the natural-rights polity. And such *religious social compacts* would certainly include *jural societies* that would gladly work with other *jural societies* and *secular social compacts* that were not necessarily Christian, but which were dedicated to either pole of the supposed pincer strategy. So, to form a viable prototype, there's a need not merely for *religious social compacts*, but also for *secular social compacts*. *Secular social compacts* are centered on the *secular religion*, and could be composed of people from practically any religion, as long as the people's beliefs and actions are consistent with the *secular religion*. The primary purpose of the out-of-the-system prong is not merely to develop a prototype of the *metaconstitutional* system, but also to define, refine, and apply the natural-rights polity for the sake of keeping the in-the-system prong on target, and focused on defeating the globalists.

The *metaconstitution* demands finding definitions of many terms in the Constitution so that those terms are compatible with the natural-rights polity. This is not for the sake of warping originalism. This is for the sake of finding compatibility between originalism and the natural-rights polity, for the sake of advancing beyond the dire straits that currently exist not only in the *united States*, but also in the world as a whole. A good place to start this process is with refining the definition of "We the people of the United States".

It's vastly beyond the scope of this booklet to offer *metaconstitutional* clarification of all the terms in the Constitution that need to be clarified. But within the context of this section, it's critical to find a definition of "Militia of the several States" (U.S. Const. art. II § 2 para. 1) that is compatible with the *metaconstitution*.[1] To do that, it's necessary to understand both the originalist definition of that term and the *metaconstitutional* definition. It's necessary to know both in order to find compatibility between the two, given that compatibility is possible. Given that "people" are mentioned in the 2nd Amendment in relation to "A well regulated Militia", and given that "people" in that amendment are the same people referenced in the preamble as "We the people", and given that "people" in both cases is compatible with a ***confederate republic***, as opposed to a consolidated nation, it's important to recall what the natural-rights polity says about "We the people".

As made clear at the Genesis 9:6 encampment, all people have a *negative duty* to avoid damaging other people, and all people have a *positive duty* to execute just punishment against anyone who violates the *negative duty*. The *negative duty* is

1 For the purposes of this section, it's not so necessary to find definitions of "army" and "navy", because their meanings are not nearly so controversial.

non-negotiable, evidenced by the fact that there is a punishment for its violation. But the *positive duty* is negotiable, evidenced by the fact that there is no explicit punishment mentioned. *Jural societies* arise out of genuine consent between people, to systematically execute just punishment against people who violate the *negative duty ex delicto*. Because *jural societies* are created voluntarily, it's reasonable that when a *jural society* establishes its territorial jurisdiction, it would allow *denizens* to exist within its territorial jurisdiction. But this assumes that the *jural society* is a function of a *secular social compact*, rather than of a *religious social compact*. If the terms of a *religious social compact* entail the elimination of *denizens* from its territorial jurisdiction, and if that territory is wholly owned by the *religious social compact*, then the *jural society* that subtends the *religious social compact* would have a possible charge of *trespass* against any suspected *denizen*. This shows a major difference between a *secular social compact* and a *religious social compact*, as expounded at the Genesis 9:6 encampment.

During the colonial era, there was no such distinction between *religious social compacts* and *secular social compacts*. Jurisdictionally dysfunctional *religious social compacts* were the only kind of *social compact* that anyone knew anything about. This started changing with the ratification of the 1st Amendment, in particular, its religion clauses. But this has not finished changing even up to the present, evidenced by the fact that the distinction between *secular social compacts* and *religious social compacts* still is not generally recognized. So the originalist interpretation essentially established a societal goal, the goal being to eventually recognize the distinction between *religious social compacts* and *secular social compacts* on a societal basis. — Because the *social compact* formed by the Constitution did not explicitly recognize the distinction between *religious social compacts* and *secular social compacts*, it's necessary to conclude that the Constitution was jurisdictionally dysfunctional, and it's necessary to conclude that "We the people" was not defined in a way that's consistent with the natural-rights polity. It's necessary to conclude that it was defined with normal, Lockean nebulousness, not in a way that guarantees *denizens* their rights. So even to the present, *denizens* do not have their rights guaranteed, because the definition of *denizen* that arises out of the natural-rights polity is not even recognized by American law.

Clearly, there is necessarily a difference between the originalist's definition of "We the people" and the *metaconstitution*'s definition. This may seem to be an irrelevant concern now, since the thirteenth State ratified the Constitution in May of 1790. The Constitution only needed to be ratified by nine States to go into effect (U.S. Const. art. VII para. 1). So the Constitution went into effect a long, long time ago. The preamble gives the reasons "We the people" ratified the

Constitution. Given that each State within the *united States* has already ratified the Constitution, the definition of "We the people" and the preamble's expressions of motives for ratification may appear to be quaint and irrelevant historical trivia. The Lockean system holds that once those party to it ratified the social contract, the social contract would continue its perpetual existence regardless of any subsequent generation's consent to it. In contrast, the *metaconstitutional* system demands that every person in every generation either consent or dissent. The *metaconstitution* demands that everyone within the Constitution's territorial jurisdiction either ratify it in their own minds, and in all relevant public communications, or admit to being a *denizen*. Because the Constitution is not a *religious social compact*, and is by default a *secular social compact*, it must allow the existence of *denizens*. So "We the people", defined now by the *metaconstitution*, rather than by originalist definitions accepted 230 years ago, must include everyone with cognitive capacity who lawfully resides within the aggregate territorial jurisdiction of the *united States*, and who genuinely and knowingly consents to the Constitution as fundamental law. This means that within the *de jure* system, "We the people" must consist of everyone who is lawfully a citizen of the *metaconstitutional united States*, as distinguished from the originalists' *united States*, and from the loose constructionists' USA. This means "We the people" is everyone who genuinely consents to being such a citizen of the *metaconstitutional* system and who is also lawfully a citizen or a lawful *denizen* of the *de facto* system. The people who eventually populate the escape prong of the presumed pincer strategy will be citizens of the *metaconstitutional united States*, even though they are *denizens* of the jurisdictionally dysfunctional USA. This is true even though *denizen* is a lawful, but not a legal, category within the jurisdictionally dysfunctional USA. — Although this clarifies the definition of "We the people" to some extent, it does not clarify the relation between "We the people" and the "Militia of the several States" enough to properly define the militia. Such clarification demands resorting again to originalist definitions, but in a roundabout way.

According to this extension of the Reformed hermeneutic, the natural-rights polity was embedded in the Bible at the time that Genesis was written. Even though the Bible stays the same, the ability to interpret it properly advances as society and, in particular, the visible Church, advances. There is an analogy here between the way Bible interpretation advances and the way Constitution interpretation advances. This is not to claim that the Constitution exists by way of special revelation the same way that the Bible exists by way of special revelation. It does not. The Constitution was written by flawed men who were not inspired by the Holy Spirit to write infallibly. The Bible was written by flawed men who WERE inspired by the Holy Spirit to write infallibly. — Reading the Bible cover-to-cover makes it obvious that as biblical history unfolded, the understanding of God's **decretive will** and His

preceptive will was progressive among God's people. In the Bible, there was both **progressive revelation** and progressive understanding of God's word. Since the canon is rightly closed, **progressive revelation** has ceased, even though progressive understanding continues. So progressive understanding is available to God's people now. Based on Bible interpretation, one era's worldview, or map of reality, may be an improvement over the previous era's map. This can be seen especially in church-state relations. Each new paradigm of church-state relations in the history of the church is in effect an attempt at implementing a new and better map, one that presumably better fits the biblical prescription of human law. Examples of shifts in church-state paradigm can be seen in, (i)the legalization of Christianity and its eventual establishment under the Roman Empire; (ii)the legalization of Protestantism and establishment of Protestant churches under the Peace of Westphalia; and (iii)the dis-establishment of all churches via the 1st Amendment's religion clauses. — Whether a new map is really better than an old map or not depends largely upon whether the new map provides a better understanding and interpretation of God's **decretive will** and His **preceptive will**. For an explorer using an old geographical map, having the map is generally better than having no map at all. The explorer can judge the accuracy of the map by checking its consistency with what he actually sees and experiences. If a map is newer and more accurate, then there should be fewer discrepancies between what the map says and what the explorer actually experiences. Something similar can be said about progressive understanding of God's word. A new and better understanding of God's word will provide better ways of coping with life's circumstances in general, including with physical reality and issues pertaining to church and state.

There are ample reasons to believe that the Constitution arose out of the framers' worldview, out of their map of reality, and that their map arose fundamentally out of their interpretation and understanding of the Bible. So as Bible interpretation advances, so should interpretation of the Constitution. This is true to whatever extent advances in Bible interpretation impinge on the subject matter of the Constitution. This line of reasoning leads to the conclusion that modern originalism is the search for the interpretation of the Constitution that is consistent with the overall worldview of the framers, and therefore with the Bible interpretation generally dominant and common among the framers and founders. It should surprise no one that advances in Bible interpretation would inherently demand advances in Constitution interpretation, given that the progressive understanding of the Bible impinges on the same subject matter encompassed by the Constitution. This view of the Constitution is similar to the view Reformed Christians should have of largely reliable Reformed confessions like the Westminster Confession of Faith. No reliable theologian claims the WCF is infallible. Its value is in helping God's people to live in harmony with Scripture,

which is infallible. The WCF, along with all the other Reformed confessions of the 16th and 17th century, had views of church-state relations that were based primarily on Romans 13 passages in the Bible, not on a holistic view of the biblical covenants. On this particular subject, later works must amend the WCF, *et al.* In many respects, the Declaration-Constitution combination corrects the church-state paradigm of the WCF. But it certainly does not do so perfectly. In regard to both the Bible and the founding documents, advances in interpretation should not entail wholesale discarding of old interpretation policies and old interpretations, but such advances should instead entail a massaging of the old policies and interpretations for the sake of consistency with what's genuinely true. This also applies to the WCF, *et al.* This also describes the relationship that should exist between originalism and the *metaconstitution*. That's why originalist terms don't need to be redefined so much as they need to be clarified through advances in Bible interpretation, and it's implicit in this that the framers were doing their best to reflect their understanding of what the Bible says about human law in their building of the constitutional system.

According to legal scholar and constitutional lawyer, Edwin Vieira, Jr.,

> "[w]e are bound to interpret the Constitution in light of the law as it existed at the time it was adopted".[1] In that era, everyone knew perfectly well that "the Militia of the several States" were the Militia then actually extant in every State.[2]

Both researching to find the original meaning of the framers and researching to discover how the courts have interpreted the Constitution are valuable and important exercises. But in coming to conclusions about how to interpret the Constitution, it's imperative that Bible-believing Christians remember that they necessarily have an overriding interpretation policy, the *metaconstitution*, which should not be lower priority than either originalism or precedent. So interpreting "the Constitution in light of the law as it existed at the time it was adopted" is necessary, but it's not sufficient.

The *metaconstitution* doesn't affirm the face-value reading of the Constitution. It demands that human law, including the Constitution, be compatible with the natural-rights polity. In order to test the Constitution for compatibility, it's necessary that the Constitution be interpreted literally, through something like what Luther called the *sensus literalis*. But that kind of literal interpretation is merely a step in testing

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1 Embedded footnote: "Mattox v. United States, 156 U.S. 237, 243 (1895). *Accord*, United States v. Barnett, 376 U.S. 681, 693 (1964); Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 591 (1895) (separate opinion of Field, J.)."

2 Edwin Vieira, Jr., **Constitutional "Homeland Security": A Call for Americans to Revitalize "the Militia of the several States"**, vol. 1, "The Nation in Arms", 2007, p. 43.

the Constitution for compatibility. This step provides the originalist's understanding. Another step is to analyze the originalist interpretation from the perspective of the natural-rights polity. In his book, **Constitutional "Homeland Security"**, Edwin Vieira reliably presents the originalist's interpretation of the Constitution as it pertains to the "Militia of the several States". Although the originalist conception of the militia is not entirely compatible with the *metaconstitutional* conception, the originalist conception needs to be taken as an essential step towards articulating what the *metaconstitutional* conception is. This is based on the belief that the framers' generation did the best they could to embed what the Bible said about law into the founding documents.

The thirteen colonies generally started out as *religious social compacts*. — Some, like Virginia and Carolina, were primarily economic enterprises, but they chose to remain affiliated with England's established Anglican church. Some, like Massachusetts, New Hampshire, and Connecticut, were explicitly Congregationalist, Puritan, and Calvinistic. One, Maryland, was officially Anglican, but was designed to be a haven for English Roman Catholic non-conformists. New York was originally founded by Dutch Reformed as "New Netherlands", but was taken over by English Anglicans. From that takeover until 1846, it was officially Anglican, but was always also diverse and pluralistic. Delaware, Rhode Island, Georgia, Pennsylvania, and New Jersey were each extremely diverse, and never had an official religion, but each had specific religious predilections. For example, Rhode Island was founded by Calvinistic Baptists led by Roger Williams, but they deliberately refused to enforce their religion with government or force. Likewise, Quakers founded Pennsylvania, but they had an Anabaptist-like disdain for establishment of their religion by force. So these five colonies had no official religion. But all thirteen colonies had militias. All thirteen also had municipal laws characteristic of *religious social compacts*. So even the five that were not officially committed to an established religion were *religious social compacts*. This is important because it agrees with the belief that the fundamental motivation for the formation and maintenance of militias is local, more specifically, rooted in the local church. The *jural society* is an important appendage to the Christian *religious social compact* because the *jural compact* is a necessary part of the local church's interface with the outside world; the executive power is crucial to the functionality of the *jural society*; and the militia is often crucial to the functionality of the executive power. In the pre-constitutional colonies and States that had established religions, the militias were generally affiliated with the local churches, and thereby with the religious and political leaders of the colony / State. In the five colonies / States that had no established religion, the militia were still grounded locally, often in local churches, and if not with churches, then with local sheriffs and the political leaders of the colony / State. So even though a *jural compact*

/ militia might arise by some means other than through the immediate influence of a local, Bible-believing congregation, because of the covenantal structure of the Bible, they are a natural appendage of the local church. But because of a shortage of Bible literacy throughout the history of the visible Church, this claim has not always been accepted as the truth.

There's no doubt that Jesus clearly showed that there is a place for self-sacrificial death in the advance of God's kingdom. This is confirmed by the old saying that "the blood of the martyrs is the seed of the Church".[1] Some presumably Christian theologians claim that this apparently passive self-sacrifice sets the standard for the Church, and, therefore, all Christians should be passivists. But there is another theological argument that there is a time and place for defending the visible Church with the sword, as is argued at the Genesis 9:6 encampment, and as confirmed by Jesus at Luke 22:36. The fact that both passive self sacrifice and active and violent defense are viable modes of defending and advancing the visible Church shows clearly that there is a place for the militia as an appendage to the local congregation. This was recognized in various ways and to various extents by each of these thirteen predominantly Christian colonies. Although the militia is the natural appendage to the *religious social compact*, by way of the *jural society*'s executive power, the militia has gone dormant since those pre-constitutional times.

According to Vieira,

> The [Second] Amendment declares both as a matter of historical fact … and as a fundamental principle of constitutional law that "[a] well regulated Militia" is "necessary to the security of a free State"—and therefore that "a free State" capable of survival as such must have "[a] well regulated Militia".[2] The Amendment also presumes that each of "the several States" is and must continue to be "a free State"—and therefore that each of them must always maintain such a Militia. For which purpose the original Constitution already furnishes a means, in the power and duty of Congress "[t]o provide for organizing, arming, and disciplining, the Militia".[3, 4]

Although Vieira's originalism emphasizes the "Militia of the several States", and therefore the militia as a function of the "free State", the *metaconstitution* emphasizes

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1 Tertullian, **Apologeticus**, Chapter 50.

2 Embedded footnote: "U.S. Const. amend. II."

3 Embedded footnote: "U.S. Const. art. I, § 8, cl. 16. *See* United States v. Marigold, 50 U.S. (9 Howard) 560, 567 (1850)."

4 Vieira, p. 47.

the militia as a function of the global covenant, and therefore of the *jural society*, regardless of whether the *jural society* subtends a *religious social compact* or a *secular social compact*. This emphasis on the State as the origin of the militia, and on the general government as the organizer, armer, and discipliner of the militia, is another major difference between the originalist view of the militia and the view of the natural-rights polity. The *metaconstitutional* militia arises out of these local *social compacts*, rather than out of the State and general governments.

Earlier in his book, Vieira speaks more specifically about the characteristics of "a free State":

> "[T]he United States shall guarantee to every State in this Union a Republican Form of Government".[1] The Constitution does not expressly define "a Republican Form". But it also does not—cannot—leave that definition to the General Government, either.[2] To the contrary: The Constitution treats "the Militia of the several States" as perpetual in existence and permanent in authority and character. Therefore, because each of "the several States" must maintain her own Militia, and because "every State in this Union" must be guaranteed "a Republican Form of Government", then simply perforce of constitutional logic "a Republican Form" must encompass Militia in every State.
>
> Perforce of American history, too, in the scores of … Militia Acts enacted in every Colony and independent State for nearly one hundred fifty years from the early 1600s through ratification of the Constitution in 1788. Every Colonial and State government in America prior to 1788 was "Republican" in form. *Every* Colony and State in America prior to 1788 established and maintained … Militia that enrolled essentially every able-bodied free male in their jurisdictions. Therefore, such Militia constitute an essential characteristic of "a Republican Form of Government". For such an unbroken legislative cavalcade provides "unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution".[3]
>
> …
>
> Moreover, this right and duty must be *universal* and *absolute*. For "[t]he United Stated" cannot infringe upon them, if they are

1 Embedded footnote: "U.S. Const. art. IV, § 4."

2 Embedded footnote: "*See* Eisner v. Macomber, 252 U.S. 189, 206 (1920)."

3 Embedded footnote: "Minor v. Happersett, 88 U.S. (21 Wallace) 162, 176 (1875) (*dictum*)."

> to "guarantee to every State in this Union a Republican Form of Government" as the Constitution commands.[1]

He continues explaining this correlation between the "Republican Form of Government" and the 2nd Amendment's "free State" by saying the following:

> Furthermore, because "[t]he United States shall guarantee to every State in th[e] Union a Republican Form of Government",[2] "a free State" in the American constitutional constellation must have or be of "a Republican Form"—indeed, effectively the two appellations must refer to essentially the same thing. So, because a necessary attribute of "a free State" in America is "[a] well regulated Militia", that must be a defining characteristic of "a Republican Form of Government" here, too.
>
> To the Founding Fathers, "[a] well regulated Militia" was organized, armed, disciplined, trained, and governed according to the precepts and practices of the *pre*-constitutional Colonial and State Militia Acts—for the Militia under those Acts were the only one the Founders knew and in which most of them had actually served.[3]

Vieira does a good job of tracing the origins of the militia back to the colonial era. In effect, he makes it clear that they arose out of *religious social compacts*, and not out of *secular social compacts*. But of course that distinction didn't exist in pre-constitutional times, and it isn't articulated in Vieira's book.

Because the militia arose out of *religious social compacts* during the colonial era, it might be tempting to assume that the revitalization of the militia should arise out of *religious social compacts* in the present era. But from the perspective of Bible-based theology, the global covenant inherently calls for the militia, and does so prior to the existence of any of the Bible's local covenants. It's therefore a natural appendage to the *secular social compact*. So assuming that militia should be revitalized, there is a big question regarding how they should be revitalized. If knowledge about the natural-rights polity becomes popularized primarily through churches being exposed to this extension of the Reformed hermeneutic, then the movement to revitalize the militia will again arise out of *religious social compacts*. But if the natural-rights polity is secularized by removing it from the context of Bible-based theology, and is popularized that way, or if Vieira's or some other person's originalism is popularized, then the militia will probably be revitalized out of *secular social compacts*. Either way, militia need to be revitalized under the auspices of both

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1 Vieira, p. 46.

2 Embedded footnote: "U.S. Const. art. IV, § 4."

3 Vieira, pp. 47-48.

religious social compacts and *secular social compacts*, to defend the visible Church, and Western Civilization in general, against the dire threats coming from Babel-like globalization. Both the militia and the *posse comitatus* are crucial to the efficacy of genuine *secular social compacts*. The militia are constitutionally legal just as much as the army and navy are constitutionally legal, because there has been no lawful amendment to the Constitution that abolishes the militia. But the militia currently have no *de facto* existence, even though they are needed now more than ever. They were ushered into non-existence through congressional slight of hand, as part of the ***national consolidation***. The Army, Navy, Air Force, and so-called "National Guard" are all largely controlled by the globalists, even though there are certainly people within those branches of the military that are faithful to their oath "to defend the Constitution of the United States against all enemies, foreign and domestic". But the leadership of those organizations is prone to being aligned with the globalists.

By way of the National Security Act of 1947, Congress created the Air Force out of what had been the Army Air Forces, a subsidiary of the Army. One could claim that this Act was an unconstitutional, statutory amendment to the Constitution, since the Constitution mentions only the army, the navy and the militia as facets of the military, and makes no mention of the air force. Constitutional rigorists might complain about this, but most Americans, seeing themselves as "pragmatic", see nothing wrong with it. Indeed, the Constitution is not perfect, and may not deserve rigor on such fine points. "A foolish consistency is the hobgoblin of little minds" (Ralph Waldo Emerson), and all that. On the other hand, when such an unconstitutional, statutory amendment changes the fundamental structure of the organic documents, and thereby threatens natural rights and lawful contractual rights, that's when constitutional rigor screams that it must be followed. Turning the Army Air Forces into a separate branch of the military probably doesn't threaten such rights, in and of itself. But using congressional statutes to turn the "Militia of the several States" into the combination of "National Guard", on one hand, and "unorganized militia", on the other, as was done by Congress and as now appears in 10 USC § 246, does threaten such rights by modifying the fundamental structure of the system created by the organic documents. How? By undermining the extremely local nature of the militia. Congress's legislation essentially allowed the State militia to continue to exist as the State "National Guard" in each State. So instead of federalizing the militia, the general government could federalize the National Guard as though it were the militia. But, in fact, Congress split the traditional militia into two segments, the National Guard and the "unorganized militia". By making this split, Congress undermined the fundamentally local nature of the militia. So in some respects, it appears to be a power grab by the general government. If the globalists were not so powerful and so criminal, this removal of the militia

from local control would not be such a threat. But it is a threat. The National Guard has done things like shoot students at Kent State (1970) with practically no repercussions, help murder Branch Davidians in Waco, Texas (1993) with practically no repercussions, and unlawfully collect firearms from citizens of New Orleans after Hurricane Katrina (2005) with practically no repercussions. These are examples of how the National Guard, the faux "Militia of the several States", is a tool of the globalists, and is not under local control, in spite of the fact that many Guard members are faithful to their oath of allegiance to the Constitution.

Regarding the dire circumstances that the globalists have created, Vieira has this to say:

> An effective response to these dangers requires We the People to reassert control over all their governmental institutions, and in particular over the Power of the Sword and the Power of the Purse.[1]

Vieira clearly agrees that control of the power centers needs to be taken out of the hands of the globalists and their horde of miscreants. He's probably right in claiming that the power centers pertinent to the "Sword" and to the "Purse" are the most important. Under the current federal system, the "Power of the Sword" is located in the executive branch of the general government, and, of course, it also exists within each State's executive branch, within the county sheriff's office, and within local police departments within municipalities. In the general government, the revenue aspect of the "Power of the Purse" also exists within the executive branch, while the appropriations aspect exists within the legislative branch. In the same way that executive, legislative, and judicial powers are crucial to the viable existence of any government, the "Power of the Sword" and the "Power of the Purse" are also crucial. The latter set of powers is encompassed by the former set. — Regarding the Power of the Purse, it's critical to remember that natural-rights-adherent *religious social compacts* have no lawful obligation to pay taxes to any *secular social compact* anywhere or any time. Depending upon their contractual obligations and commitments, parties to such a *religious social compact* may also have no lawful obligation to pay taxes to any of the presently bloated, jurisdictionally dysfunctional *secular social compacts*. Surely, every party to the Messianic covenant should recognize that he/she has a moral obligation to pay taxes to a lawful *secular social compact* to which he/she is jurisdictionally subject. But under the natural-rights polity, it's inherently unlawful for a *secular social compact* to force with *delicts* and threats of *delicts* (which are themselves *delicts*) anyone to pay it taxes. If they are contractually and consensually obligated, then perhaps that's different. — The voluntary nature of taxation is a

1 Vieira, p. 33.

major difference between originalism and the *metaconstitutional* interpretation of the founding documents.[1] The voluntary nature of participation in the militia is another **major** difference between originalism and the *metaconstitution*.

Another major difference between originalism and the *metaconstitution* pertains to self-defense. Grotius, Blackstone, and Vieira claim that self-defense is a "privilege", due to the fact that they believe that at the founding of society, people traded rights for privileges. But this is a distortion of the facts. There is no good reason for people to surrender rights as a prerequisite to participation in society. So self-defense is not a "privilege". Self-defense is a natural right both without and within society. A privilege in this context is something that government gives. For example, a license is a privilege. A license is the government's permission to do something that is otherwise not permitted. For example, the *de facto* governments generally do not permit driving on the roads that they claim as theirs, without a license. One must have a driver's license in order to legally exercise the privilege of driving on their roads.[2] Likewise, social contract theorists like Grotius and Blackstone generally claim that when the social contract is formed, *i.e.*, when society comes into existence, the responsibility for enforcement against violence is surrendered to the state. But, they claim, in most civilized countries, the state grants its citizens the privilege of self-defense. According to the natural-rights polity, this is a statist perversion, because the right to defend self, property, and others against the initiation of damage from someone else is God-given, and cannot be lawfully abrogated by the state.

As already mentioned, another big difference between originalism and the *metaconstitution* pertains to conscription of people into the militia. Vieira says this about conscription:

> In any community organized on Anglo-American political principles … everyone shares the same legal duty, which the government may enforce against him, to participate in defense of that society against aggressors and lawbreakers. This is not a matter of personal choice. No one can assert a legal privilege or immunity of absolute pacifism or conscientious objection

1 The expressions, "Power of the Purse" and "Power of the Sword" appeared in the founding era, in places like James Madison's reference to them in the *Pacificus-Helviticus Debates of 1793-1794*, which were his debates with Alexander Hamilton about international affairs. Of course, both the "Power of the Sword" and the "Power of the Purse" exist conceptually in Romans 13:1-7.

2 How this impacts the common-law (and natural) right to travel is a big issue that deserves explanation, but is outside the scope of this booklet.

> (although the society may grant such a privilege of immunity as a matter of its legislative grace).[1]

This may be true of communities "organized on Anglo-American political principles", but it is not true of a community organized on the natural-rights polity and the *metaconstitution*. A *religious social compact* certainly has the capacity to adopt bylaws that mandate that people who voluntarily enter the compact must fight to defend the society when it is threatened. But a *secular social compact* is based on a much more restricted set of principles, where those principles are encapsulated by the *secular religion*. Under the *secular religion*, it's against the law to *trespass* against other people, where *trespass* is defined based on a relatively rigorous concept of property rights. That law is inherently negative. Although there is a moral duty for people to execute justice against people who perpetrate *delicts*, under the jurisdiction of a lawful *secular social compact*, there can be no human law that mandates that people execute such justice. Under a lawful *secular social compact*, people cannot be forced to execute justice *ex delicto*, cannot be forced to act as police, cannot be forced to join the army, the navy, or the militia, and cannot be forced to pay taxes.

With all these extremely big differences between originalism and the *metaconstitution*, there may appear to be reasonable doubt about whether originalism is capable of being a proper contributor to the articulation of the *metaconstitution*. In spite of these differences, when this booklet examines the Declaration of Independence, it should become obvious that originalism does have this important role to play. But before examining the Declaration, it's important to say a few things about Blackstone, because of the huge impact that he had on the thinking of the framers.

> Sir William Blackstone, renowned author of the *Commentaries on the Laws of England*, was the Founding Fathers' legal mentor. "At the time of the adoption of the Federal Constitution [the *Commentaries*] had been published about twenty years, and it has been said that more copies of the work had been sold in this country than in England, so that undoubtedly the framers of the Constitution were familiar with it."[2, 3]

This testimony from supreme Court Justice Brewer in *Schick v. United States*, shows that Blackstone's **Commentaries** were "accepted as the most satisfactory exposition of the common law of England", 195 U.S. 65, 69 (1904). This being the case,

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1 Vieira, pp. 42-43.

2 Embedded footnote: "Schick v. United States, 195 U.S. 65, 69 (1904). *See*, *e.g.*, *The Federalist* No. 84 notes [1 and 2]."

3 Vieira, p. 8.

it's foolish to think that Blackstone's impact on the framers was not huge. This impact shows up especially in the conception of natural rights that appears in the Declaration. For example,

> As Blackstone taught, "[s]elf-defense, * * * as it is justly called the primary law of nature, *so it is not, neither can it be in fact, taken away by the law of society*."[1, 2]

Even though Blackstone clearly believed this about self-defense, he also believed something else that appears to be a rationally inconsistent concession to authors like Grotius:

> "it is held by all the writers on the law of nature and nations, that the right of making war, which by nature subsisted in every individual, is given up by all private persons who enter into society, and is vested in the sovereign power: and this right is given up, not only by individuals, but even by the intire body of people, that are under the dominion of a sovereign. It would indeed be extremely improper, that any number of subjects should have the power of binding the supreme magistrate, and putting him against his will in a state of war. Whatever hostilities therefore may be committed by private citizens, the state ought not to be affected thereby: unless that should justify their proceedings, and thereby become partner in the guilt. *Such unauthorized voluntiers in violence are not ranked among enemies, but are treated like pirates and robbers*[.]"[3, 4]

So even though Blackstone was strong on self-defense, he wasn't strong enough to question the authority of Grotius: "Rather than his own idiosyncratic notion, Blackstone's understanding had long been commonplace among expositors of the

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1 Embedded footnote: "*Commentaries*, *ante* note 10, Volume 3, at 4 (emphasis supplied)." — "*ante* note 10" indicates Blackstone's "*Commentaries on the Laws of England* (Philadelphia, Pennsylvania: Robert Bell, American Edition, 4 Volumes & Appendix, 1771-1773)".

2 Vieira, p. 23.

3 Embedded footnote: "*Commentaries on the Laws of England* (Philadelphia, Pennsylvania: Robert Bell, American Edition, 4 Volumes & Appendix, 1771-1773), Volume 1, at 257 (footnote omitted) (emphasis supplied)."

4 Vieira, pp. 8-9.

Law of Nations.[1]"[2] The inconsistency exists in Blackstone's belief that each individual retains the right to wage defensive war through self-defense, while he simultaneously believes that each individual must surrender the right to wage defensive war to the jurisprudential sovereign as a prerequisite to participation in society. — Even though Blackstone was not strong enough to overcome Grotius' fundamental mistakes, he was strong enough to point the New World rebels in the right direction:

> [A]s Blackstone taught, "whenever a question arises between the society at large and any magistrate vested with powers originally delegated by that society, it must be decided by the voice of the society itself: there is not upon earth any other tribunal to resort to".[3, 4]

So in effect, these originalist voices, Blackstone and Vieira, have some sympathy for the belief that jurisprudential sovereignty originates in the consent of the miniature sovereign, in spite of the fact that originalism offers a map that must be deemed somewhat flawed in the present era.

(2) Declaration of Independence as Expression of Natural Rights:

Besides strict constructionism, loose constructionism, and originalism, there are several other principles upon which American courts interpret the Constitution. For example, "balancing", as indicated above in the distinction between "absolutism" and "balancing", is often used in 1st Amendment cases to find "balance" between the interests of the state and the interests of non-state entities. "Textualism" focuses on the common meaning of the legal text. Textualism is a subordinate principle of originalism, but loose constructionists can also use it whenever they think it's expedient. The principle most abused by the courts is "precedent". When using precedent, as they usually do, courts look to decisions in previous cases that have a similar subject matter to that of the case at hand. This is based on the common-law principle, *stare decisis*, which means to allow an existing decision to stand. By following precedent and standing by existing decisions, courts can avoid the dangerous work

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1 Embedded footnote: "*See*, *e.g.*, Hugo Grotius, *The Law of War and Peace* [*De Jure Belli ac Pacis Libri Tres*] (Indianapolis, Indiana: The Bobbs-Merrill Company; Reprint from *The Classics of International Law*, by the Carnegie Endowment for International Peace, 1925), Book III, Chapter III, §§ I and II, at 630-632. The Founding Fathers were well aware of Grotius' work. *See*, *e.g.*, *The Federalist* No. 84 note [4]."

2 Vieira, p. 9.

3 Embedded footnote: "*Commentaries*, *ante* note 10, Volume 1, at 212." — "*ante* note 10" indicates Blackstone's "*Commentaries on the Laws of England* (Philadelphia, Pennsylvania: Robert Bell, American Edition, 4 Volumes & Appendix, 1771-1773)".

4 Vieira, p. 20.

of following the original meaning of the Constitution. This is precisely how loose constructionists have propagated the perversion of the clear and plain meaning of the original Constitution, even amending the Constitution in numerous ways by way of an illegal and unconstitutional method, *i.e.*, by propagating bad decisions. The legal method of amending the Constitution is by the methods specified in Article V. But this illegal, precedent-based method has been used with such success by consolidationists that courts generally no longer accept natural rights and natural law. But the Declaration is undeniably grounded on natural rights and natural law. It is therefore inherently part of originalism to adhere to the natural rights and natural law found so obviously in the Declaration. Originalism that doesn't do this is originalism in name only. True originalism must adhere to "the Laws of Nature and of Nature's God" that appears in the Declaration. People who adhere to the natural-rights polity and *metaconstitution* must be able to recognize "the Laws of Nature and of Nature's God" that appear in the Declaration, but also the greater depth and clarity of understanding of natural rights and natural law provided by the natural-rights polity that arises out of Genesis 9:6.

According to originalist Edwin Vieira, the authority of the Constitution is based upon the authority of the Declaration of Independence.[1] The Declaration clearly contends that

> Governments are instituted among Men, deriving their just Powers from the consent of the governed.

So if just powers derive from the "consent of the governed", where do governments' unjust powers come from? History shows clearly that governments often exercise unjust powers. Can such unjust powers also derive from the consent of the governed? — The short answer is "Yes, of course." The longer answer is that unjust powers of government sometimes derive from the consent of the governed, but often they don't. An example of unjust powers arising from the consent of the governed can be seen in a hypothetical pure democracy, in which all participants have agreed beforehand to abide by majority rule, without any further conditions placed on such rule. Under such conditions, it would be possible for a majority to vote for the transfer of all the wealth in the society from the minority to the majority, or for the legalization of any number of *delicts* against persons or properties. Such a hypothetical case would be a preeminent exercise of unjust powers. This is close to what happened when the Nazi Party took over Germany through democratic processes. But the Nazi example does not properly conform to the more rigorous definition of consent that's found at the Genesis 9:6 encampment. This kind of rigor is also not found in the Declaration. Even though the rigor necessary to the natural-rights polity is not available in the

1 Vieira, p. 29.

Declaration, it should be admitted that the signers of the Declaration must have assumed that most people were not fools. They certainly recognized that all people are fallible, and that all human governments are prone to abuse power. But they also probably rightly believed that the majority of Americans alive then were biblically literate enough to understand that covenants are fundamental forms of contract, that lawful governments must arise out of such contracts, and that therefore there is something fundamentally true about the proposition that social contracts are the foundation of lawful government. But they did not have the rigorous definition of consent that is necessary to make the social contract genuinely functional. The founders would leave subsequent generations to muddle through as best they could, building presumably, on the natural law / natural rights platform that the founders bequeathed. The dysfunctional social contract could not be fixed by way of any of the social contract theories available during or prior to 1776. This shows one of the serious shortcomings of the Declaration. But the Declaration attempts to communicate in terse language a sentiment commonly held but inadequately articulated by the American population. So it's important to stay focused on what's really being communicated in this clause from the Declaration. In this clause the Declaration is confirming that genuine jurisprudential sovereignty (government) arises exclusively from the consent of miniature sovereigns. But it's certainly possible for fake government to arise. So true governments only exercise "just Powers", and faux governments exercise unjust powers. But in a fallen world, no human is perfect, no human government is perfect, and human governments are always some admixture of justice and injustice. But what's absolutely crucial to recognize is that without a standard that's at least aimed at some better vision of society, nothing even remotely like perfect government will ever be reached. Lacking the better vision, fake government will subject people to injustice and ultimately brutal treatment, to which no one genuinely consents other than the perpetrators. This being the case, it's critical to recognize that "Men" cannot lawfully "delegate to public officials any powers inconsistent with 'the Laws of Nature and of Nature's God'".[1] This being the case, all the powers delegated to Congress by Article I section eight of the Constitution are conditional. They are all conditioned on the proposition that the way Congress delegates and exercises powers be consistent with "the Laws of Nature and of Nature's God". For example, clause eleven of section eight indicates that "The Congress shall have Power … To declare War". From this natural rights perspective of the Declaration, Congress can only have power to declare JUST war, because lawful governments "instituted among Men" can only have just powers delegated to them by the genuine and righteous consent of miniature sovereigns.

1 Vieira, p. 29.

Vieira makes a list of principles from the Declaration, and presents them with commentary about how they govern the Constitution. The principles that he sees there are these:

- [People should] "assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them"[1]
- "[A]ll men are created equal".[2]
- "[A]ll men * * * are endowed by their Creator with certain unalienable Rights".[3]
- "[A]mong these [unalienable Rights] are Life, Liberty and the pursuit of Happiness".[4]
- "[T]o secure these [unalienable] rights, Governments are instituted among Men, deriving their just powers from the consent of the governed".[5]
- "[W]henever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness".[6]
- "Prudence, indeed, will dictate that Governments long established should not be changed for light or transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."[7]

There are probably other natural law principles embedded in the Declaration, but this should be enough for the purposes here. It's important to show what the natural

1 Vieira, p. 111.
2 Vieira, p. 112.
3 Vieira, p. 113.
4 Vieira, p. 114.
5 Vieira, p. 114.
6 Vieira, p. 115.
7 Vieira, p. 116.

rights and natural law embedded in the Declaration are, as a precursor to showing how such natural law and natural rights govern the Constitution. It should be noted in advance that when the Constitution is not governed by such moral principles, it is hardly better than the constitution of any other nation, because the subsequent government, by default, does not exist "to secure these rights", but almost inevitably for some purpose that violates "unalienable Rights".

Powers of the earth: As miniature sovereigns, Americans need to genuinely consent to assuming, "among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them". Among Christians, such genuine consent should be sought as a kind of covenant renewal. Many natural born Americans have never taken an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic". Given the jurisdictionally dysfunctional nature of the original Constitution, and especially of what now passes for constitutional government in the USA, who can blame them? But every miniature sovereign is called to contribute his/her consent to lawful jurisprudential sovereignty. Such consent, among any number of people greater than one, contributes to the assumption, "among the Powers of the earth, [of] the separate and equal station" to which each jurisprudential sovereign is called. Under Westphalian sovereignty, all the other nations have their "separate and equal station", and they are thereby "Powers of the earth". The "Laws of Nature and of Nature's God" constitute the near-final judge of the separateness and equality of these "Powers of the earth". That judge will not accept pseudo-jurisprudential sovereignty as anything other than something that deserves to be crushed shortly after its fleeting emergence. Because of that humans should do their best to eliminate all elements of faux government from their jurisprudential sovereignty.

All humans are created equal: This is an obvious affront to the belief in the tiered society, the belief in the class of rulers versus the class of the ruled. It was an affront to the king, who assumed that he was the sovereign, and that he was therefore better and greater than other people. But all God's people are given the *imago Dei*, and are therefore equal before Him in that respect. Because knowledge of who is elect and who is not is not readily available to humans, every human is inherently called to treat his/her fellow humans as bearing the *imago Dei*, for good rather than for evil. This is true until person X gives unmistakable evidence that he/she is in league with evil. Until that time all miniature sovereigns necessarily have political equality with one another.

> Political equality being irrebuttably presumed, the purpose of all governments in America must be to secure "the *common* defence", the "*general* Welfare", and "the Blessings of Liberty *to*

> *ourselves and our Posterity*" without exclusion or exception,[1] and "the *equal* protection of the laws" to every "person"[.][2, 3]

Political equality is the acknowledgement that all humans within the given jurisdiction, all miniature sovereigns in training, are inherently equal before the law, and that there is no basis upon which to devise a social system bifurcated into the rulers and the ruled. Among these phrases from the Constitution's preamble, "common defence" is consistent with the exclusive focus in Genesis 9:6 on curbing damage by human against human. But phrases like "general Welfare" and "Blessings of Liberty" do not conform to the same rigor and consistency. It must therefore be admitted that the framers of the Constitution left the door wide open for the loose constructionist leaven. Even though this is true, the point here is that the Declaration confirms the principle that all people are equal before the law. — Obviously, the Constitution, when interpreted through the Declaration, confirms natural rights and natural law, even though the Constitution, by itself, lacks the Declaration's commitment to natural rights.

All humans are endowed by their Creator with certain unalienable Rights: This fact has already been covered extensively at the Genesis 9:6 encampment. One important thing to understand is that because it's embedded in the Declaration, it has a controlling influence over how the Constitution is to be interpreted. The importance of this fact in the context of this section on the military is emphasized by way of something Vieira says:

> No one knew better than they [(the Founding Fathers)] that rights "unalienable" in principle can be threatened with extinction in practice, and therefore that "[a] right without a remedy is as if it were not. For every beneficial purpose it may be said not to exist."[4] But, as well, no one knew better than they that such a remedy then actually existed—in "the Militia of the several States"—as first proven at Lexington and Concord on 19 April 1775.[5]

When an enemy to lawful jurisprudential sovereignty arises, either domestically or from a foreign source, it's critical that people dedicated to doing their duties as miniature sovereigns work together consensually to combat that enemy. When the enemy is small, like a single individual or small group of individuals, then the sheriff

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1 Embedded footnote: "U.S. Const. preamble (emphasis supplied)."

2 Embedded footnote: "U.S. Const. amend. XIV, § 1 (emphasis supplied)."

3 Vieira, p. 112.

4 Embedded footnote: "United States *ex re.* Von Hoffman v. City of Quincy, 71 U.S. (4 Wallace) 533, 554 (1867)."

5 Vieira, p. 113.

and the *posse comitatus* are the natural remedy. But when the enemy is larger than that, then the militia is the natural remedy, and that remedy arises naturally out of the local community.

> [Based on] this knowledge, the Founders handed down the syllogism: In "a *free* State" everyone enjoys "unalienable Rights". "A well regulated Militia" is "*necessary* to the security of a *free* State".[1] Therefore, the Militia are necessary for the protection of "unalienable Rights".[2]

With regard to these larger enemies, this syllogism is an obviously true combination of claims from the Declaration and Constitution. It shows how the Declaration has a controlling influence over how the Constitution should be interpreted. Likewise, the natural-rights polity has a controlling influence, at least for Bible-believing Christians, over how both organic documents should be interpreted. These two organic documents thereby confirm what Vieira says about use of the militia in communal self-defense:

> [I]nsofar as Americans assert a right to National independence and sovereignty, they must also accept the duty to preserve that status and authority by communal self-defense. And insofar as they refuse to fulfill that duty, they forfeit their claim to independence and sovereignty.[3]

Likewise, insofar as Bible-believing Christians assert genuine allegiance to their sovereign God, they must accept the duty of defending the visible Church against her brazen enemies. Insofar as they refuse to fulfill that duty, they show their claim to being Christian to be hollow and meaningless. In these times when Babel builders are threatening the visible Church with extinction, it's critical that local churches have appendages of *jural societies*, and it's critical that each such *jural society* have a subsidiary *posse* and a subsidiary militia.

Unalienable rights include the rights to Life, Liberty, and the pursuit of Happiness: This principle has also been thoroughly addressed at the Genesis 9:6 encampment. Included in the right to life is clearly the right to self-defense, by any reasonable means and within reasonable bounds, and the right to defend the lives of others. Included within this is also the right to own and defend not only one's **primary property** but also one's **secondary property**. This also includes the fundamental right to defend one's community, especially one's church community. In the words of Blackstone, self-defense "is a primary law of nature, so it is not, neither can it

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1 Embedded footnote: "U.S. Const. amend. II (emphasis supplied)."

2 Vieira, p. 113.

3 Vieira, p. 114.

be in fact, taken away by the law of society".[1] This right to self-defense necessarily includes the right to communal self-defense, especially the right to defend the local church. This right to communal self-defense also necessarily includes the right "to keep and bear Arms", both to defend self and to defend others. — Regarding liberty, Vieira rightly says that "at the bare minimum, 'Liberty" must include the freedom to do whatever may be necessary and proper to secure 'Life', because 'Liberty' does not exist without 'Life'."[2]

Humans institute governments to secure unalienable rights, so such governments derive their just powers from the consent of the governed: Again, the Genesis 9:6 encampment has already covered these principles thoroughly. The emphasis here is on the fact that these principles appear in the Declaration, and therefore must have a controlling influence on how the Constitution should be interpreted, and by way of the Constitution, all of American law. This hierarchy of interpretation is confirmed in part by a statement made by supreme Court Justice Stephen J. Field in *Norton v. Shelby County*, 118 U.S. 425, 442 (1886):

> An unconstitutional [legislative] act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.

This essentially marks a demand that legislation be rationally consistent with the Constitution. The fact that the Declaration establishes principles by which the Constitution should be interpreted essentially marks a demand that the Constitution be interpreted in a way that is rationally consistent with natural law and natural rights. The failure, to be laid largely at the feet of churchmen, to adequately expound natural law and natural rights based on Scripture, has left a vacuum into which loose constructionist misconceptions have been sucked. Nevertheless, a reliable theological bridge between the Bible and the Declaration eliminates that vacuum. Elimination of that vacuum means that a reliable jurisprudential bridge exists between the Declaration and the Constitution. Therefore, a reliable interpretational bridge exists between the Constitution and all subsidiary laws and legislation. This has huge implications. It means that most of the laws and legal decisions passed and decided on loose-constructionist grounds are not really laws, and don't really confer rights, impose duties, afford protection, or create offices. In short, in legal contemplation, they are as inoperative as though they had never been passed. Furthermore,

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1 William Blackstone, **Commentaries on the Laws of England**, 1765-1769, Book 3, Chapter 1. — URL: https://lonang.com/library/reference/blackstone-commentaries-law-england/bla-301/, retrieved 1 June 2018.

2 Vieira, p. 114.

> even delegated powers must always be construed and applied according to the precepts that the *only* powers government and public officials may exercise are "*just* powers". Even We the People can never "consent" to the delegation of *un*just powers—because, under "the Laws of Nature and of Nature's God" that allow the People to exercise sovereignty in the first place, all laws, to be "laws", must be just.[1, 2]

The loose-constructionist emperor has grown so hideously obese that it's very scary to think of him without any clothes. The emperor is sure not to like being seen naked, with all of his unlawful trappings removed. It's a daunting question to anyone who has seen this sight: What will you do about it?

Whenever any form of government becomes destructive of these natural law and natural rights purposes, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles as seem most likely to effect their safety and happiness: Every form of government ever tried by humans has failed. The government started in 1776 is in the process of failing right now. If people continue going along with the globalists' agenda, it will fail. Should people continue following them, or should people dig for foundational principles, and not rest until government is again grounded on those principles? It's crucial that people be suspicious of anything that public officials do. It's critical that people guard themselves against betrayals of the public trust. Much of what else needs to be done has already been covered at the Genesis 9:6 encampment. That covers basic principles and basic governmental structures that arise out of those principles. But there are many things it leaves unsaid. For example, that encampment said little about the militia, or the military in general.

> [I]f … the People as sovereigns must call themselves forth in their Militia to correct the errors or crimes of an existing "Form of Government", or to lay the foundation and organize the powers for a new one, forcible resistance by the delinquent public officials, politicians, or special-interest groups amounts to *lese-majeste*.[3]

Lese majesty is, "A crime injuring or causing harm to the dignity of a reigning sovereign or a state."[4] It was treated as high treason in ancient Rome and throughout

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1 Embedded footnote: "*See* Heinrich A. Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy* (St. Louis, Missouri: B. Herder Book Co., 1947), at 266."

2 Vieira, p. 115.

3 Vieira, p. 116.

4 **American Heritage Dictionary**. — URL: https://www.thefreedictionary.com/Lese+majeste, retrieved 4 May 2018.

the 18th century. But when jurisprudential sovereignty is genuinely composed of the genuine consent of miniature sovereigns, the jurisprudential sovereign needs to be much more thick skinned. *Lese majesty* could be construed to be perpetrated by a purely verbal slur against an office holder, or by a political cartoon. In a country that has, among its cardinal principles, the freedoms of speech and press, these cannot be construed as *lese majesty*. But this is not what Vieira is talking about here. He's talking about "forcible resistance" by delinquents, against the will of the lawful jurisprudential sovereign, the aggregate consent of miniature sovereigns. So Vieira's point should be well taken. The globalists and their horde of miscreants will not be sympathetic to people who refuse to go along with their program, especially to people who opt out of it entirely. "[F]orcible resistance" by these delinquents is practically inevitable, and it proves their thorough rejection of the natural law, natural rights, the good, the beautiful, and the true.

Prudence certainly dictates that people should be longsuffering in regard to human fallibility empowered by misguided jurisprudential sovereignty. But when a long train of abuses and usurpations, all clearly aimed at Babel-like objectives, evidences a design to subject people to absolute despotism, it is not only people's right, but also their duty, to overthrow such government and replace it with something better: Although this sub-chapter's brief examination of present social circumstances merely scratches the surface of the hideous schemes the Babel-builders are currently enforcing, enabling, and effecting, it should be obvious that their scheme is "a long train of abuses and usurpations, pursuing invariably the same Object," and evincing "a design to reduce [people] under absolute Despotism". These are the present circumstances. These present circumstances are worse than those experienced by the revolutionaries of 1776. But the present population is far less vigilant, and far more willing to accept this long train of abuses and usurpations. There are numerous factors that can explain these differences between the founding population and the present population. There is one explanatory factor that should be supremely interesting to Bible-believing Christians: The degree of biblical literacy and training in sound theology was orders of magnitude greater among the founders than among the current population. Even though this is true, there are also signs that Americans are starting to comprehend the dire straits they're now facing. Indeed, the time is coming fast for people to also recognize the pincer strategy that opposes the globalists' scheme. The out-of-the-system prong is primarily for those who have determined that the "abuses and usurpations" are intolerable, and are determined to act accordingly by exiting the system. The in-the-system prong is for those who are only partially convinced, or for those trying to salvage some thing or some one trapped in the system, or for those committed to being spies for the out-of-the-system prong while they are in-the-system. The militia, in the originalist, local sense, as distinguished from the current

statutory sense, and as distinguished from the belief that the militia is strictly a function of State and general governments, is primarily an aspect of the out-of-the-system prong, since it's primary purpose is to act as an arm to *jural societies* that are appended to out-of-the-system local churches. Their primary duty will be to protect those church communities. Much of the current population has had their consciences seared, and they're not inclined to oppose the globalists' agenda in any way. If they can be saved, it will not be by way of acquiescence to the globalists.

This short examination of these few principles regarding natural rights and the moral-law leg of the natural law should suffice to show that a controlling interpretational bridge must necessarily exist between the Declaration and the Constitution. Up to the present, legal scholars have never adequately expounded that bridge. In spite of this deficiency, the supreme Court sometimes recognized what Vieira makes clear: "The Constitution of the United States and all State constitutions derive from, and must conform to and promote, the principles of the Declaration of Independence."[1] The Court did this through its published opinions. This statement from *Gulf, Colorado & Santa Fe Railway Co. v. Ellis* confirms Vieira's claim:

> The first official action of this nation declared the foundation of government in these words: "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence. — 165 U.S. 150, 159-160 (1897)

Even though this is true, and was sometimes recognized by the supreme Court in its decisions, during the 19th century, loose constructionists were able to take control of legal scholarship, so much so that legal positivism became the rule rather than natural rights. The focus on morality in general as the interpretational template tended to give a definition of natural law in which governments imposed moral standards on their populations as though those governments were lawful *religious social compacts*. The general government generated by the Constitution has never been a lawful *religious social compact*. Focusing on the global prescription of human law

1 Vieira, p. 119.

and on lawful jurisdictions does not allow this misconception. The Constitution is only capable of being a lawful *secular social compact*. The gross deficiencies of natural law theory as it existed in 1776, and as it continues to exist into the present era, can be exemplified by words spoken formally in a Senate hearing in 1991. On September 10, 1991, Senator Joseph Biden examined supreme Court nominee, Clarence Thomas, about the latter's commitments to natural law.[1] In the process, Biden cited three different conceptions of natural law. He cited (i)natural law as a moral code; (ii) natural law as conceived during the "Lockner era", when "economic rights" were supposedly protected at the expense of many other rights; and (iii)Biden's preferred variety of natural law, which, he claimed, protects "privacy, speech, and religion most zealously", and which extends "great protection to personal freedom while declining to block laws that reasonably regulate our economy". Biden's preferred variety of natural law merely echoes the status quo that existed in 1991, and that continues to exist in 2018. It amounts to massive regulation of the economy and a fig leaf of protection of personal freedom. Biden chided Thomas to avoid the two conceptions that he didn't like. Only the status quo version of natural law would be acceptable to Biden. But none of these three versions of natural law is even remotely like the natural-law tripod compatible with Reformed hermeneutics. This shows what a morass the whole conception of natural law has been for a long time. The real core issue in human government is not what constitutes natural law. The core issues are what the biblical prescription of human law is, and what are lawful jurisdictions. The Biden-Thomas interaction stands as evidence that this interpretational bridge between the Declaration and the Constitution has never been properly constructed before now. This long-standing state of affairs now brings the American experiment to a place similar to where it was in 1776, when authoritarian government had become so oppressive that it was intolerable. But what was intolerable to the population in 1776 is not so intolerable to the present population. The Declaration offers a list of grievances against the king's government. A cursory examination of this list should show that the grievances of the present population are worse than those of the 1776 population, even though the present population appears too comatose to care.

The Declaration states that "The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world." The Declaration then proceeds to list numerous grievances against the king's government. Although a similar list could be made in modern times, against the tyranny of the globalists rather than against the tyranny

1 At the Library of Congress. — URL: http://www.loc.gov/law/find/nominations/thomas/hearing-pt1.pdf, retrieved 6 June 2018.

of the king, it would be far too long. But a cursory comparison of a few high points of the two lists could be made, simply for the sake of showing how extensive the new list would be.

"He has refused his Assent to Laws the most wholesome and necessary for the public good." — While the US Congress is all too eager to pass laws these days, so much so that they often pass laws without bothering to read them, they also refuse to pass laws that might chip pieces off the megastate. They refuse to pass legislation to audit the Federal Reserve. They refuse to curtail the National Security Agency's (NSA's) surveillance of American citizens. They refuse to repeal the laws that keep the "drug war" going, the most ominous of which is the Controlled Substance Act of 1970, which was based on the United Nations' Single Convention on Narcotic Drugs of 1961. They refuse to nullify UN Agenda 21. They refuse to eliminate the U.S. Department of Education along with its promotion of the UN's "common core". They refuse to end "civil asset forfeiture". This list of laws that Congress refuses to enact or repeal goes on, and on, and on, and it makes the king's refusal to enact "wholesome and necessary" laws look paltry.

"He has affected to render the Military independent of and superior to the Civil Power." — When the military is independent of and superior to the civil (citizen) power, martial law is in place. The king was obviously trying to implement martial law in the thirteen colonies. If that generation had looked the other way, and allowed the king to have his way, the Declaration would have never been written, the War for Independence would have never been fought, and the Constitution would have never been written. That population decided against the strategy of appeasement. In contrast to that, the signs of takeover by the military-industrial-complex are everywhere in the current era. But the population is generally in a stupor, apparently feeling too overwhelmed by circumstances to oppose the authoritarianism, and not knowing how to oppose even if the inkling were to cross the mind. Much of the modern attitude exists because there is no local militia. In contrast, the militia was a part of everyday life to the 1776 population. The militia

> are composed of Local *citizen*-soldiers, with the emphasis in the right place. Which is why, when militarization of society is afoot, the Militia are studiously neglected or even suppressed (as, for instance, through "general gun control").[1]

Although the "National Guard" are presumed to be citizen-soldiers, they are not "Local" citizen-soldiers. This is because State and general governments control them. The so-called "unorganized militia" has a fundamental right to self-organize, without any interference from jurisdictionally dysfunctional *secular social compacts*.

1 Vieira, p. 117.

"He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving Assent to their Acts of pretended Legislation". — The globalists have collaborated with the United Nations to subject the American people to a jurisdiction foreign to American laws. In fact, ***national*** and ***global consolidationists*** formed the UN and have been using it to deconstruct the organic Constitution and laws. They have bribed, bought, and blackmailed the country's political class. This has been going on since the 1790s, with an escalating tempo until now. They have used treaties to undermine organic laws. They have sent collectivists into local communities to subvert them through municipal laws. They have established all ten planks of the **Communist Manifesto** while convincing the population that these planks do not conflict with organic law. In Vieira's words,

> [A] jurisdiction may be "foreign" in the sense:
>
> *first*, of permitting what the Constitution prohibits, or prohibiting what it permits, though [*sic*] purposeful disregard or misconstruction;
>
> *second*, of relying on foreign law, or succumbing to the pressure of foreign alliances, to 'interpret' the Constitution or laws of the United States, so as to incorporate alien principles therein;[1] or worst of all,
>
> *third*, of stripping America of her sovereignty by subjecting her to schemes for regional, hemispheric, and global governance.[2]

Because much of the system, including the "National Guard", is under the control of ***global consolidationists***, there are no armed forces presently on the side of natural law, natural rights, and this country's organic laws. That's why it's imperative that the "unorganized militia" become organized, not under the auspices of jurisdictionally dysfunctional *secular social compacts*, but under the auspices of lawful *jural societies* grounded locally.

"He has combined with others … giving his Assent to their Acts of pretended Legislation … [f]or quartering large bodies of armed troops among us; [and for] protecting them, by mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States". — It may be true that the current regime has not been quartering troops in private houses. But it's also true that the regime is so bloated with tax revenues that such quartering is not necessary. The point nevertheless is that the globalists' regime is busy spying on people as though

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1 Embedded footnote: "*See* Edwin Vieira, Jr., *How To Dethrone the Imperial Judiciary* (San Antonio, Texas: Vision Forum Ministries, 2004)."

2 Vieira, pp. 117-118.

troops were living in their houses. The globalists' agents are also murdering people with no repercussions to the murderers. The murders are so numerous that it seems impossible to keep track of them all. Naming a few high-profile cases should suffice to show that present circumstances are worse: (i)Murder of Vicki and Sam Weaver at Ruby Ridge, near Naples, Idaho, 1992, by US Marshals and FBI snipers. No indictments were ever issued against federal murderers.[1] (ii)Murder of 82 Branch Davidians by assorted agencies, especially the FBI, the ATF, and the Texas National Guard, near Waco, Texas, in 1993, after a siege lasting over fifty days. Indictments were brought against surviving Davidians, but none against the perpetrating agents.[2] (iii)Murder of innocents at the Murrah Federal Building in Oklahoma City under false pretenses. The system's narrative is that Timothy McVeigh and Terry Nichols perpetrated the bombing in 1995, killing 168 people. The evidence is overwhelming that this was a false flag operation perpetrated by globalist agents, who pinned responsibility on these two patsies. This doesn't mean that McVeigh and Nichols were innocent. It means that the real culprits got away with murder.[3] (iv)According to the globalist system's narrative, 2,996 people were killed in the September 11, 2001 attacks. The system's narrative is that the attacks were perpetrated by 19 Islamic terrorists. There is a monumental amount of evidence that these 19 were patsies, like McVeigh and Nichols, and that the system's narrative is designed to obfuscate a massive false flag operation. Opinions have again split into two camps, one pointing at anomalies in the evidence and claiming the official story to be a lie,[4] and the other positing pseudo-scientific pablum to keep the sheep in their pen. While the true perpetrators get away with murder, the globalists use that event to extend their agenda of turning the USA away from its roots in liberty and towards a run-of-the-mill tyranny, a tyranny they can use to further their ***globalist consolidation***. To date, none of the real perpetrators have been indicted. — These are a few of the high-profile cases in which the system has protected murderers. There are numerous other murders probably perpetrated by the globalists and their miscreants, which never achieve such notoriety in the legacy media. Such murders exemplify the extent to

1 As long as the judicial system is incapable of assembling a grand jury that returns indictments against federal murderers, it's difficult to trust any federal documentation on this case.

2 "Waco – A New Revelation", documentary film directed by Jason Van Vleet, 1999. — URL: https://www.youtube.com/watch?v=Xr9pQ1plbiU, retrieved 6 June 2018.

3 "A Noble Lie: Oklahoma City 1995", documentary film directed by James Lane, 2011. — URL: https://freemindfilms.com/films/anoblelie/, retrieved 7 June 2018.

4 *E.g.*, (i)"Loose Change 9/11". — URL: https://www.loosechange911.com, retrieved 7 June 2018; (ii)Architects and Engineers for 9/11 Truth. — URL: https://www.ae911truth.org, retrieved 7 June 2018.

which the general government's military and investigative agencies, along with State and local police departments, have immunities from criminal prosecution, civil suits, and other legal consequences when they commit violence against ordinary Americans under color of law.

Because the blockade against the truth is so thorough, the vast majority of the American population is oblivious. Even so, this brief comparison of circumstances in 1776 and circumstances now must suffice to convince the reader that things are much worse now. Radical action is demanded now even more than it was in 1776. Even so, it's prudent to bear in mind Vieira's priorities while undertaking such radical action:

> We the People cannot exercise their sovereignty in any manner that contradicts its origin in and nature as defined by the Declaration. They cannot form State constitutions and enact their own State laws—or combine the States in the "more perfect Union" of "the United States of America" under the Constitution[1]–or perforce of the Constitution empower a General Government and through the General Government enact laws—in any manner inconsistent with the Declaration. Rather, they must always exercise their political powers only on the basis of and to advance in mankind's estimation the Declaration's principles. Therefore, it is not simply "safe", but is *always necessary*, to read, construe, and especially apply the letter of the Constitution according to the letter of the Declaration.
>
> In addition, the principles the Declaration enumerates did not arise out of nowhere, set out for the very first time in human history in that document. As the Declaration itself makes clear, they derived from "the Laws of Nature and of Nature's God" and the "self-evident" "truths" those "Laws" embody—which the Declaration presumed were known to and accepted by mankind generally throughout the Western world. … The substance of justice—so the Declaration presumes—can and must be discovered in "the Laws of Nature and of Nature's God". Therefore, the proper limits of every constitutional power must be derived from the language in which that power is expressed, construed where doubtful in the light of Natural Law.
>
> As components of the Constitution's federal system, "the Militia of the several States" cannot act contrary to the principles of the Declaration, either.[2]

1 Embedded footnote: "U.S. Const. preamble."

2 Vieira, p. 120.

As long as it's understood that the *metaconstitution* controls originalism, and not the other way around, Vieira's interpretational priorities can be taken as reliable.

(3) The Militia's Place in the Pincer Strategy:

Now that it's clear that there is a set of interpretational policies that (i)help the Bible student to properly interpret the Bible, (ii)help the student of law to comprehend the gravity of the Declaration, (iii)help the student of law to apply the Declaration's natural rights principles to the Constitution, and (iv)help the student of law to extend the principles of the Declaration and Constitution into all American law in general, it's possible to use the same interpretational policies to show the militia's place in the pincer strategy. But to do that, it's important to focus on the roles of each prong of the pincer.

As already indicated, there are already people working on the inside-the-system prong of the pincer, but the out-of-the-system prong is almost completely unpopulated. It's necessary to show how the out-of-the-system prong can be populated and what its role is. It's already been made clear that its primary purpose is to facilitate an exodus from the system. The exodus must exist for the sake of keeping the purposes and functions of the visible Church pure and unpolluted by the unlawful constraints imposed on it by the system. But how the out-of-the-system prong can and should be populated needs to be clarified. While the focus of the in-the-system prong is on maneuvering the system's power centers towards conformity with the natural rights polity, the focus of the out-of-the-system prong is on freeing the visible Church as much as possible from the system's influence. One can make an analogy with the Exodus from Egypt. After the ten plagues, Pharaoh finally relented and allowed the people of Israel to leave Egypt. There was a promised land to which they would be traveling. The existence of the promised land marks a major difference between the ancient Exodus and the out-of-the-system prong's exodus. In current times, there really is no foreign land to escape to. Besides that, if the visible Church in the *united States* were able to escape the system to a foreign land, chances are excellent that the escapees would carry everything that's wrong about the system into the new land. This exodus demands that the visible Church reclaim the land that the Babel builders have misappropriated. This demands eliminating all the ties that bind each individual and each *religious social compact* to the system. Eliminating all these extraneous human-law bonds is the essence of escaping the system.

While the role of the in-the-system prong is to take control of power centers out of the hands of globalists and their horde of miscreants, the role of the out-of-the-system prong is to establish a new system of power centers outside the system, but within the system's *de facto* territorial jurisdiction. As indicated, description of

the pincer strategy in these terms alone leaves doubt about whether "pincer strategy" is the appropriate term, because the out-of-the-system prong, by this description, appears to be withdrawing from the fight rather than engaging in it. But a more thorough description of the circumstances should show that "pincer strategy" is still appropriate.

The globalists and their horde of miscreants are arrogant. They are prone to seeing people who are not dedicated to their agenda as ignorant and stupid. This is especially the way they see Christians. They essentially believe that the loose-constructionist laws are so much written in stone that all the plebians are deservedly enslaved by them. But the big issue facing every Christian is whether the loose constructionists' *de facto* laws are really the laws they should obey. Justice Field's comments, quoted above, from *Norton v. Shelby County*, should bring all *de facto* laws into doubt. Principles from the 10th Amendment say more about this. The 10th Amendment says this:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

With the ongoing conflict between loose constructionists and strict constructionists that started shortly after the Constitution was ratified, there has been an ongoing conflict over what powers are "delegated to the United States by the Constitution", what powers are "reserved to the States", and what powers are "reserved … to the people". Similar to the way that people have not understood the nature of genuine consent, they have not understood the jurisdictional distinction between *secular social compacts* and *religious social compacts*. The ***national consolidationists*** especially have had little tolerance for the attitude expressed by James Madison, that the general government's powers are "few and defined".[1] Given that unanimous consent about anything, especially in a large population, is practically impossible, the subject-matter jurisdiction of the general government must be confined to that of a *secular social compact*. Given that the same is true for each State, each State must also be confined to the subject-matter jurisdiction of a *secular social compact*. The same is true for each level of government in the *united States*. It ceases to be true only at the rudimentary level of the *religious social compact* and individual human beings.

Against this extremely narrow definition of the lawful subject matter of *secular social compacts* stands the fact that all these governments have been jurisdictionally dysfunctional, grossly, for a long time. Even though this is true, the supreme

1 "Federalist 45". — URL: https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-45, retrieved 8 June 2018.

Court has developed a doctrine that describes the refusal by a subsidiary entity to cooperate with an encompassing entity within the confederated hierarchy. It's called the "anti-commandeering doctrine". In *Prigg v. Pennsylvania*, 41 U.S. 539 (1842), the supreme Court "held that the federal government could not force states to implement or carry out the Fugitive Slave Act of 1793". Justice Story "said that it was a federal law, and the federal government ultimately had to enforce it."[1] The general government could not commandeer resources from any State in order to enforce the general government's law, which demanded capture and return of runaway slaves. This same anti-commandeering doctrine has appeared more recently in the judiciary's refutation of federal commandeering through the Low-Level Radioactive Waste Policy Amendment Act of 1985,[2] the Brady Handgun Violence Prevention Act of 1993,[3] and the Professional and Amateur Sports Protection Act of 1992.[4] The refutations by the supreme Court of acts of Congress that clearly overreach Congress's authority are relatively rare compared to the commonplace nature of Congress's loose-constructionist overreaching. But such refutations at least provide a legal doctrine by which to characterize all overreaching by each layer of the jurisdictionally dysfunctional confederated system.

The out-of-the-system prong is not aggressive, evidenced by the fact that this prong is more a flight response to the system than a fight response. In contrast, the in-the-system prong is a fight response. But neither the in-the-system prong nor the out-of-the-system prong is aggressive in the sense that it violates the *negative duty clause*, which can be characterized as equivalent to the non-aggression principle. But the in-the-system prong uses non-violent methods to take control of power centers within the existing system, while the out-of-the-system prong uses non-violent methods to free itself from commandeering by jurisdictionally dysfunctional governments and institutions. This act of freeing self and visible Church from commandeering is appropriately characterized as "anti-commandeering". Such anti-commandeering is not an act of aggression, but of self-defense. It's an act of repudiating one's status as slave to the jurisdictionally dysfunctional system, in the name of accepting one's duties, benefits, and responsibilities as a miniature sovereign. Likewise, it is an act by each local church within the out-of-the-system prong, as a *social compact* composed of miniature sovereigns, of repudiating the system's commandeering in

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1 This is a summary of Justice Joseph Story's opinion, by Michael Maharrey at the Tenth Amendment Center. — URL: http://tenthamendmentcenter.com/2018/05/23/anti-commandeering-an-overview-of-five-major-supreme-court-cases/, retrieved 11 June 2018.

2 Via *New York v. United States*, 505 U.S. 144 (1992).

3 Via *Printz v. United States*, 521 U.S. 898 (1997).

4 Via *Murphy v. NCAA*, No. 16-476 (2018).

favor of more thoroughly comporting itself to the standards of the visible Church of Jesus Christ.

The system will not like losing slaves and institutions that it has commandeered. The globalists and their horde of miscreants are likely to become violent. This will be aggressive violence supported by delusional conceptions of what the law is. This will bring huge, violent pressure to bear on people who have taken the anti-commandeering stance. In order to bear such pressure, the out-of-the-system participants will need to keep uppermost in their minds what is at stake. The Babel builders have been driving the visible Church into ruin. The visible Church itself is at stake. It's certainly true that "the gates of hell shall not prevail against [Christ's church]" (Matthew 16:18). But this manifestation of God's **decretive will** in regard to the destiny of the Church, doesn't mean that Christ doesn't call His people to participate in the triumph and the trials that go with it. To the contrary, each person who is part of Christ's Church will go through triumphs and trials with it. So to assume that God will do everything and humans will do nothing, in regard to the preservation of the Church, is to assume that God's **preceptive will** doesn't call God's people to defend the visible Church. That, of course, is nonsense. This is not an either-or situation. This is the coordination of both God's **decretive will** and His **preceptive will**. Like Him, each of His people must bear his/her cross. This is the kind of people needed in the out-of-the-system prong, people willing to lay down their lives for the visible Church, and to be stalwart against the system's commandeering. But this is not an entirely passivist posture. There is a place for the militia as a defensive appendage to the *jural society*, which is an appendage to the *religious social compact*. The system will certainly be able to marshal forces against this anti-commandeering prong that will appear overwhelming. On the other hand, if there are sufficient numbers of these anti-commandeering *religious social compacts*, they will be extremely difficult to overwhelm. Given proper training and coordination of the militia, and given sufficient numbers of militiamen and *jural societies*, the commandeering forces will be flummoxed and outflanked by the anti-commandeering forces. But the question of who will win should not be at the forefront of one's mind. One's primary concern should be whether one is doing what Christ, as Commander in Chief of His Kingdom, has clearly demanded.

Building a strong, well-trained, and coordinated militia, as a defensive deterrent against commandeering by jurisdictionally dysfunctional government, is certainly a major undertaking. Even so, within the context of this booklet, there's not much more to say about it. Here, the focus needs to be on the context within which such militia will exercise lawful authority. Militia can only exercise lawful authority defensively. This may sound simple, but whether it's genuinely simple and genuinely

lawful depends upon the legal status of whatever or whomever it is that the militia is defending. For example, if a local church supposedly within the out-of-the-system prong claimed that it had absolute ownership and absolute title to the land upon which the church building stood, but it did not in fact have such ownership and title, then it would be a horrible mistake for the militia associated with that local church to defend violently against the true owner of the land. It's therefore critical to have a clear understanding of the status of the land before the power of the *jural society*'s sword is raised. — Legal status is critical in every determination of what the *jural society* will defend and what it won't defend.

In working genuinely in the out-of-the-system prong of the pincer strategy, it's critical to understand the extent to which each person, and each instantiation of real or personal property, is in the system, and the extent to which it is out of the system. If someone's **primary** or **secondary property** is tied by way of a lawful contract to some entity within the system, then it's foolish to think that that contract can be nullified simply by asserting the anti-commandeering doctrine against the in-the-system entity that has a lawful claim to the property. There are necessary procedures for moving people and property out of the system, and they all revolve around the legal status of the people and property and the necessity of changing that status in order to move it out of the system. A lawful *jural society* should only defend **primary** and **secondary property** against globalist commandeering to the extent that the status of that **property** is certain to be outside the *de facto* system.

There are countless different ways that people, property, and institutions can be bound into the jurisdictionally dysfunctional system. There's no way that this booklet can cover all of them. But for the sake of providing a glimpse at how this piecemeal exodus should take place, the focus here will be on two pertinent examples, both of which arise out of income taxation: (i)the difference between a 26 USC § 501(c)(3), "tax-exempt" church, and a local church that is genuinely out of the system; and (ii)the difference between the status of a natural person who is in the system and the status of one out of the system. The reason the focus here will be on income taxation is because income taxation is one of three corners of a tri-corner legal fence set around the American people. This fence was set in place during and shortly after the War Between the States. This fence is designed to keep the American people on the ***national*** and ***global consolidationist*** plantation. The other two corners are central banking and legal tender laws. The National Bank Act passed during that war laid the legal foundations for the Federal Reserve Act of 1913. The legal tender laws essentially mandate that thus-and-such will be used as money in America. The central bank corner of this triangular fence was addressed above in the section that examined Rothbardian banking. Legal tender laws were

not explicitly examined, even though they were examined in effect. In a free market, people can use whatever kind of currency they want. Legal tender laws are a direct, governmental countermanding of that principle. So in effect, the legal-tender-law corner of this triangular fence has also already been addressed above. It's critical that the income-taxation corner be addressed, and it's appropriate that it would be examined within the context of the military and the use of brute force against the population, because income taxation has become very close to such brutal force. — These two examples will not be thorough, for the sake of staying within the scope of this booklet. But they should be thorough enough to show the reader that he/she should be legally scrupulous in disconnecting one's church and one's **primary** and **secondary property** from the system. Such disconnection is crucial to lawfully defending one's property, and to making a just anti-commandeering claim.

(4) Statuses of "Tax-Exempt" & Non-"Tax-Exempt" Churches:

It's imperative to understand that among the grievances against the king listed by the Declaration of Independence was the following:

> He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:
>
> …
>
> For imposing Taxes on us without our Consent …

The framers and founders didn't use a definition of consent that is as rigorous as that embedded in the natural-rights polity. Even so, it's clear that one of the things against which they openly rebelled was king and Parliament conspiring to impose "Taxes on us without our Consent". Their concept of what constitutes a genuine contract was somewhat ambiguous, and this is especially true about social contracts. Even though this is true, the founders and framers make it obvious that lawful taxation is an inherently consensual form of revenue collection. If it's not consensual, then it's not lawful. The extent of their awareness about these issues shows that the founders and framers generally had an interpretation of Romans 13 passages that was much closer to this booklet's interpretation than to the face-value interpretation that's prominent these days. With this fact marked in passing, the crucial point here is that lawful taxation is consensual, and thereby denotes the existence of a lawful contract between the taxing agency and the presumed tax payer.

The presumption of the existence of a contract between secular governments and individuals must necessarily extend also to a presumption that a contract must exist between the secular government and a 501(c)(3) church. The 501(c)(3) status exempts the church from taxation. Logic demands that such an exemption must presuppose that logically prior to the exemption, the church must have been taxable.

In the same way that a license is permission to do something that is otherwise illegal, an exemption is permission to be excluded from something to which the entity is otherwise included. If the church were taxable prior to the adoption of the exemption, then there must be a contract between the taxing agency and the church prior to adoption of the exemption. This is because, according to both the natural-rights polity and the Declaration, lawful taxation is based on lawful consent, and therefore on a lawful contract between the taxer and taxee. This means that non-501(c)(3) churches must be subject to taxation, and must be party to a lawful contract with the taxing agency. This line of reasoning is clear, obvious, and true. But do *de facto* circumstances conform to this line of reasoning? Is it safe to assume that even if the IRS didn't exist, there would still nevertheless be a contract between the general government and any given church that would make such church taxable?

According to the IRS, churches are automatically treated as tax exempt, and are automatically "eligible to receive tax-deductible contributions".[1] So churches are by default 501(c)(3) organizations, according to the IRS. But there are certain requirements that the church must meet to keep its 501(c)(3) status. According to IRS Publication 1828, these requirements are the following:

1. the organization must be organized and operated exclusively for religious, educational, scientific or other charitable purposes;
2. net earnings may not inure to the benefit of any private individual or shareholder;
3. no substantial part of its activity may be attempting to influence legislation;
4. the organization may not intervene in political campaigns; and
5. the organization's purposes and activities may not be illegal or violate fundamental public policies.[2]

A church that adheres to this extension of the Reformed hermeneutic being proposed by this booklet, and that thereby adheres to the natural-rights polity, will be afoul of these requirements automatically on several fronts. (a)Such a church is automatically a *religious social compact*. As such, its definition of "religion" would be automatically at odds with the first requirement. This is because the *religious*

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1 "Tax Guide for Churches and Religious Organizations", Publication 1828 (Rev 8-2015) Catalog Number 21098G, Department of the Treasury, Internal Revenue Service, p. 2. — URL: https://www.irs.gov/pub/irs-pdf/p1828.pdf, retrieved 12 June 2018.

2 "Tax Guide for Churches and Religious Organizations", IRS, p. 2. — URL: https://www.irs.gov/pub/irs-pdf/p1828.pdf, retrieved 12 June 2018.

social compact would be organized for *religious* purposes, and such *religious* purposes would include educational, scientific, and charitable purposes, but would also include other purposes as well, such as enforcement and adjudication of violations of natural rights in regard to *delicts* and contracts. So the *religious social compact* would NOT be "organized and operated exclusively for religious, educational, scientific, or other charitable purposes", as though religion did not encompass these other purposes. (b)Such a church might also be afoul of the third requirement, because designated agents of its *jural* and *ecclesiastical societies* might spend a lot of time trying to "influence legislation", those agents being active in the inside-the-system prong of the pincer strategy. The church would be inherently obligated to support the lawful actions of those in-the-system agents. So it could not honestly claim that "no substantial part of its activities … [was] attempting to influence legislation". (c) Such a church might also be afoul of the fourth requirement, because designated agents of its *jural* and *ecclesiastical societies* might spend a lot of time working for political campaigns, those agents being active in the inside-the-system prong of the pincer strategy. Here, too, the church would be inherently obligated to support the lawful actions of those in-the-system agents. So the church would not be able to honestly claim that it did not "intervene in political campaigns". (d)Such a church might also be afoul of the fifth requirement. This is because "public policy" of globalist-controlled institutions, including that of the US government, of the IRS, and of each of the States, is absolutely at odds with the purposes and activities of a natural-rights-polity-adherent *religious social compact*. Also, because most of the laws in the US are the product of loose constructionism, such a genuine *religious social compact* will be at odds with most of those laws, and will probably be working in diametrical opposition to them. So the church's "purposes and activities" might "violate fundamental public policies", and might even be illegal. — So where does this leave such an outside-the-system church relative to the IRS and taxation in general?

In the history of the *united States* prior to the 16th Amendment's income taxation, churches were generally not taxed. But under the present regime, non-501(c)(3) churches are considered by the IRS to be taxable, since they are not tax-exempt. As mentioned, the IRS considers churches, by default, to be 501(c)(3) tax-exempt organizations. This means that if a church doesn't want to be a 501(c)(3), the IRS will treat it like one anyway. This means that to be recognized as a non-501(c)(3), the church must violate one of the requirements for 501(c)(3) status, and come under IRS scrutiny before being recognized by the IRS as a non-501(c)(3). This begs the question: Is it lawful for the IRS to assume that churches are by default tax-exempt? Prior to the 16th Amendment, churches were not tax-exempt. They were free churches under the 1st Amendment's religion clauses. This gets closer to the

heart of the difference between a non-taxable free church and a tax-exempt church. Neither is obligated to pay taxes. But one is immune to tax obligations by way of the 1st Amendment, while the other is tax-exempt. An exemption is generally a conditional release from obligation. The obligation must exist logically prior to the exemption.

Because "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof" (U.S. Const. Am. I), and because "the power to tax involves the power to destroy" (*McCulloch v. Maryland*, 17 U.S. 316, 431 (1819)), Congress and the federal government are banned from taxing churches. In *McCulloch*, the supreme Court ruled that States could not tax the general government. The 1st Amendment in combination with *McCulloch* implies unmistakably that the general government cannot tax churches. On the other hand, the IRS assumes that like all non-state organizations, churches are taxable, then creates an exemption for them under the five prerequisites indicated in its Publication 1828. By classifying churches as being by default tax-exempt, the IRS first violates the 1st Amendment in theory, by assuming that churches are taxable like all other non-state organizations, then pretends that that's not what its doing by creating an exemption. Then it imposes these five requirements, which arise out of the IRS's biased interpretation of a bad statute, and it says that if the church doesn't meet these requirements, then the church must automatically fall from its tax-exempt status into being taxable. But a genuinely free church is not taxable because it has an immunity to taxation. Because constitutional law supersedes statutory law, which supersedes regulations and IRS publications, the church's immunity supersedes the IRS' claim that the church is either taxable or tax-exempt.

Would an out-of-the-system *religious social compact* volunteer to pay taxes to the IRS? No, because there is no inherent contract between this kind of Reformed church and the jurisdictionally dysfunctional general government, or its minion, the IRS, which stipulates that the church will pay such taxes. That means that any effort by the IRS to collect taxes from such an entity would be an act of commandeering. Even if such a case were taken to the supreme Court, with the church defending itself by claiming that the IRS was violating the anti-commandeering doctrine, and even if the Court repudiated the church's defense, the church would need to insist on maintaining its status as a natural-rights-adherent *religious social compact*, outside the lawful jurisdiction of the system's government. This shows further that the *de jure* laws of the *united States* exist largely in diametrical opposition to the loose-constructionists' *de facto* laws.

For many decades now, otherwise well-meaning and consecrated Christians have seen that these two trains, the *de facto* train and the *de jure* train, are headed for a

disastrous collision, and they have looked away. The time for deliberate ignorance is over. At this point, the only way this collision can be averted is either by Christians surrendering their commitment to the Church, which is equivalent to surrendering their commitment to Christ, or by the globalists acquiescing to the Church's superior vision of the future. At this point, Christians cannot meaningfully choose to ignore this conflict and call themselves Christians at the same time. The status of the true Church is always with Christ, not with Babel builders. It is therefore incumbent upon the Church to repudiate the 501(c)(3) status. If the IRS and similar State revenue agencies insist on taxing the local church, then it's incumbent upon the local church to repudiate all the more any act of feeding the beast. In order to do this in a meaningful way, it's a necessary prerequisite that such a local church do everything necessary to make sure that there is no confusion anywhere about what the local church's status is. The church's status must be clearly outside-the-system.

Another major blemish on the church's current status is incorporation. Otherwise Christian churches in America have often followed the advice of lawyers and IRS agents, and have incorporated. Before the Internal Revenue Code came into existence, it was rare for a church (a)to register with the government, (b)to incorporate, or (c)to petition government to recognize its existence. The church exists inherently outside the scope of powers of secular government. A citizen living on the land, and a church existing on the land, exist outside the scope and purview of the state until the same gives the state subject matter jurisdiction. A church or a citizen can give the state subject matter jurisdiction over them only through two mechanisms: (i)by commission of a gross crime or misdemeanor (like murder, theft, rape, etc.) or (ii)by receiving a privilege, through some explicit or tacit contract with government. Most Christian churches are not into committing crimes, so the general mechanism by which churches become subject to the scope and power of the state must be contractual. Like anyone else, if a church receives a privilege from the state, then it has in essence entered a contract with the government, which obligates the church to play by the rules of the contract.

The process of incorporation is a process of receiving a privilege from government. When a corporation is formed, the corporation receives a "corporate franchise". A corporate franchise is "The right to exist and do business as a corporation. The right or privilege granted by the state or government to the persons forming an aggregate corporation, and their successors, to exist and do business as a corporation and to exercise the rights and powers incidental to that form of organization or necessarily implied in the grant."[1] So the very act of incorporating is an act of forming a contract with government, where the government promises not to "pierce

1 **Black's 5th**, p. 307.

the corporate veil", and the "persons forming an aggregate corporation" promise to abide by all the rules and regulations that govern corporations. The most obvious problem with this arrangement, from a Bible-believing Christian's point of view, is not all the rules and regulations that govern corporations. The biggest problem with this arrangement revolves around the fact that this contract, and this privilege, make the state the "Lord High Sovereign over the church". The fact that Jesus is the Lord High Sovereign over the church, and the creator of the church, not secular government, puts this incorporation arrangement diametrically at odds with Scriptural principles.

In the majority opinion of the supreme Court in *Hale v. Henkel*, 201 U.S. 43, 74-75 (1906), Justice Henry Billings Brown made the following statement:

> [W]e are of the opinion that there is a clear distinction … between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.
>
> Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these

> franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. … While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.

This is more evidence that unincorporated churches appear no where in any court's scope of power. But the IRS has created this category that it calls "unincorporated association" into which it puts churches that don't bother to incorporate or file for 501(c)(3) status. The IRS claims that by default, it has jurisdiction over such associations, for the sake of verifying that they are meeting the requirements of tax-exempt status. Doing so puts the IRS not only in violation of the 1st Amendment and fundamental natural rights, but also of this clear exclusion of unincorporated entities from the purview of the state, as described by Brown.

From a legal point of view, the act of incorporation is an act of making secular government in America "Lord High Sovereign over the church". But unlike the situations in the early church, and in England/America in the 17th and 18th centuries, the government in 21st century America is not putting any obvious duress on the church to force it to make the government "Lord High Sovereign over the church". The church is just volunteering on a massive scale. Why? — The Federal Reserve, the federal and state bureaucracies, law schools and lawyers, and government in general, have learned to herd people the way farmers and ranchers herd cattle and sheep. People have learned to trust government to be their provider, *i.e.*, their lord. They, to a massive extent, have learned to put their faith in the monetary system, the tax structure, the welfare agencies, the banks, the credit card companies, the big corporations, the 501(c)3's, the economic system that's based on all these things, the laws that implement all these things, *etc.*, so that they see this system as their supplier. This system is their god, not God. Government uses enticements, obscurantism, and even constructive fraud, to get people to go through certain shoots, and to get people into certain pens and corrals, so that the economic system is manipulated to optimize the globalist agenda. The big problem with this is that people are losing the legal guarantees of natural rights. This is most obvious when one considers that the 501(c)3 church is an established church. The government establishes such churches through the process of incorporation. This is an obvious violation of the "establishment clause" of the 1st Amendment.

Even the IRS and the Internal Revenue Code recognize that they cannot legally violate the 1st Amendment by requiring that churches seek to be established through the federal or state governments. The peculiar status of the non-incorporated, non-

501(c)3 church is indicated still further by IRS **Publication 526**. **Publication 526** is "Charitable Contributions". On page 2, under the section, "Organizations That Qualify To Receive Deductible Contributions", they say "You can deduct your contributions only if you make them to a qualified organization. Most organizations, other than churches and governments, must apply to the IRS to become a qualified organization."[1] This is more proof that unincorporated churches have a special tax status, comparable to that of governments. This is further confirmed in the next section, "Types of Qualified Organizations". This section indicates that, "Churches, a convention or association of churches, temples, synagogues, mosques, and other religious organizations" are qualified to receive tax-deductible donations, in the same way that governments are qualified to receive tax deductible donations if the donations are given for charitable purposes. Governments don't need to file for 501(c)3 status. Neither do churches.

Essentially, the processes of incorporation and filing for 501(c)(3) status put the church into Caesar's realm. Incorporation moves a church out of this unique status that it has as an unincorporated church, a status comparable to that of a government, at least with respect to jurisprudential sovereignty, into a realm that's unequivocally commanded by government officials. Essentially, incorporated church property is state property. This is because incorporated churches are "quasi-public", and because they provide a "public service". In contrast, unincorporated, non-501(c)(3) churches are private.

A church dedicated to following the Bible with the help of this booklet's extension of the Reformed hermeneutic has a specific status. The church should declare openly, regularly, and emphatically, that it is an unincorporated, non-tax-paying, non-501(c)(3) organization. Before entering into any kind of battle with the IRS, it's important that the local church not only broadcast far and wide that it has this status, but it must also show ample evidence that it has this status by refusing to do anything that corrupts this status. Corrupting things include the following:

- Appealing to the IRS for it to recognize the church as tax-exempt.
- Having a bank account. Having a bank account would communicate that the church believes in the Federal Reserve monetary scheme. Generally, it would also require that the church acquire one of those nine-digit numbers for interfacing with the bank, where the

1 "Charitable Contributions, For use in preparing 2017 Returns", Publication 526, Cat. No. 1505A, Department of the Treasury, Internal Revenue Service, March 12, 2018. — URL: https://www.irs.gov/pub/irs-pdf/p526.pdf, retrieved 10 July 2018.

numbers are used by agencies like the Social Security Administration and the IRS to track people's financial transactions.

- Employing anyone under the IRS's definition of the word "employ". The combination of the natural-rights polity, the Declaration, and the Constitution are unmistakably clear that miniature sovereigns have an "unalienable right" to contract. It's lawful for the local church to enter into bilateral contracts in order to get things done. It's an act of corrupting the church's status for it to enter into any kind of contract that has the IRS, the Social Security Administration, the Federal Reserve, or any other agency or quasi-agency of the jurisdictionally dysfunctional governments as a third party.
- Using anything other than cash, decentralized cryptocurrencies, or commodities to pay for anything.
- Owning real estate that is mortgaged, and is therefore owned by a bank.
- Paying property taxes, and many other kinds of taxes. One of the crucial aspects of getting out of the system is in having alternatives in regard to the "Power of the Sword" and the "Power of the Purse". The alternative "Power of the Sword" is the militia associated with the local *jural society*. The alternative "Power of the Purse" requires that each adherent to the natural-rights polity minimize voluntary donations to in-the-system institutions. Some taxes are difficult to avoid, like sales taxes and some excise taxes. The ones that clearly must be avoided are those that change the church's legal status through tracking and surveillance. These tracking and surveillance taxes are most closely associated with the SSA and the IRS. The way that real property becomes subject to taxation is something that each *jural society* must study, because doing so should lead to the understanding of how to get the property OUT of being subject to property taxes. The point is that if a local church can avoid paying property taxes on the land upon which its church building is situated, it should do so. If it cannot do so, then its out-of-the-system status is weakened.
- Possibly numerous other actions that could potentially corrupt the status of the local *religious social compact*. This includes asking for permits from State or local government prior to doing something that is lawful under the natural-rights polity. The local *jural society*

must study all these possible actions assiduously for the sake of avoiding them or doing them lawfully.

This is an overview of how an out-of-the system church should operate in order to avoid commandeering by the IRS and other statist revenue agencies. The process of moving an existing 501(c)(3) into a non-tax-paying, non-501(c)(3) status is more complicated and is outside the scope of this booklet. One big problem lies in convincing congregants that they must stop giving "tax deductible contributions". According to the IRS, a church that is not explicitly a 501(c)(3) can still receive tax-deductible donations. But doing so is hazardous on two different fronts: (i)People have been indoctrinated for decades into believing that getting tax rebates based on donations is a good thing because it moves money out of the hands of the secular government and into the hands of church goers. But there's a price to be paid for this. The price is the change in status of the churchgoer and the change in status of the church. By entering into this dance with the IRS, the church goer violates the alms-giving standard set by Jesus in Matthew 6:2-4, which is that one should "not let your left hand know what your right hand is doing". The fact that churches regularly recommend that their congregants violate this standard is evidence that the given church is going along with this society's generations-long propensity to exalt government as a substitute for God. (ii)By allowing congregants to get tax deductions on their donations, and at the same time violating one or more of the five requirements specified by the IRS, the church is thereby muddling its status and asking for trouble from the system's revenue agencies.

When a lawyer cross-examines a hostile witness, he/she will often deal with the witness by asking leading questions, or what some would call "loaded questions". For example, the lawyer might ask, "So when did you stop having sex with goats?"; or, "When did you stop beating your wife?" In order for an innocent witness to answer such a question honestly, he/she must first deal with the false assumption built into the question. He/she cannot answer the question honestly without first addressing the false assumption. The way that the IRS has been dealing with churches is very similar to this technique used by lawyers in cross-examination. It's as if the IRS is asking each church, "So when did you stop paying the taxes that you owe?" Because most American Christians have been brainwashed into believing the face-value interpretation of Romans 13, they think that refusing to pay taxes is like refusing to be Christian. But before succumbing to such guilt-ridden assumptions, every Christian needs to ask his/her self whether the given revenuer has jurisdiction. If a tax collector from Argentina came up to an American church's board of elders, and told them that they need to pay this Argentinean tax, that tax collector would be laughed out of the building. So there's this huge question built into IRS tax

exemption, namely: Does the IRS really have jurisdiction or not? Every Christian who cares about his/her local church needs to study that question until the answer is absolutely clear: Not unless the church has deliberately and obviously given them jurisdiction.

From this little vignette, it should be obvious how the out-of-the-system church differs from the in-the-system church. The in-the-system church will also lack the appended *jural society* and *ecclesiastical society* that should characterize the out-of-the-system church. The out-of-the-system church should be wary of any attempt by the *de facto* government or *de facto* corporations to commandeer resources from the *de jure religious social compact*. A free church must claim immunity, not exemption. Immunity indicates that the church is immune from the lawful jurisdiction of a lawful *secular social compact*, and it indicates that the commandeering *de facto* governments are exercising an unlawful jurisdiction. Another safeguard against such commandeering is ensuring that the elders who have authority in the congregation each has an out-of-the-system status as an individual.

(5) Income-Tax Statuses of In-the-System & Out-of-the-System Natural Persons:

As can be seen in the dance around 501(c)(3) tax exemption, the IRS, and the loose constructionists' administrative state in general, either assume that they have some kind of transcendental consent from everyone living within the USA's territorial jurisdiction, to tax them, or they assume that the tax payer's consent is irrelevant. If the revenuers assume that they need the tax payer's consent before they can lawfully tax him/her, then, being the successful tax collectors that most IRS agents are, they inevitably do not assume that it's genuine cognitive consent that they need from their prey. They must assume that it's some kind of consent that transcends the tax payer's cognition, some kind of transcendental consent. In short, if the revenuers assume that they need the tax payer's consent, then, at best, they believe that it's Lockean pseudo-consent that they need, in order to satisfy the originalist demand for consent about taxation. So the revenuers of the general government either assume that they need Lockean pseudo-consent, or they assume that they need no consent at all. That this has been true about the general government from the beginning can be seen in the sad story of the Whiskey Rebellion.

As first Secretary of the Treasury, Alexander Hamilton had gotten Congress to consolidate the State and national debts. Then, to raise the funds necessary to pay off the nationalized debt, he got Congress to establish duties on imported goods, and to establish an excise tax on domestically produced alcoholic beverages. Because western farmers were accustomed to turning the surplus from their crops into whiskey, Hamilton and company thought that the excise would be a great source

of federal revenue. But federal officials did not ask the farmers for their consent to this scheme. They also didn't ask for the consent of the State governments that presumably had jurisdiction over the farmers. The federal officials either ignored the need for consent entirely, or they assumed that they had Lockean pseudo-consent by way of the originalist interpretation of the organic documents. Western farmers often used whiskey as a medium of exchange, and forcing them to pay the tax in federal currency created a market bias against them and in favor of larger, more well-financed distilleries. The result was what's commonly called the "Whiskey Rebellion". In 1794, President Washington called out the militia to suppress the rebellion. The show of force by the federalized militia caused the protesters to stop their violent protestations. So the insurrection was suppressed with mere threats, a mere show of force. The violence stopped, but political opposition to the whiskey tax continued until the tax was repealed in 1802. This history of early taxation under the new constitutional republic is crucially important, because it shows the bare bones of what's been wrong with American taxation from the beginning.

Originalism demands the Lockean conception of consent, which holds, among other things, that everyone in subsequent generations after the formation of the social contract must be party to the social contract, and must therefore live by its rules, regardless of their consent. The natural-rights polity shows that Lockean consent is somewhat whimsical compared to genuine consent. The natural-rights polity certainly shows that there is necessarily something that this booklet calls "pre-cognitive consent", but it also shows that taxation in general does not fall within the purview of pre-cognitive consent. The natural-rights conception of taxation coincides with the Declaration's conception to the extent that the Declaration indicates that taxation must be consensual, as indicated by the fact that one of the framers' reasons for declaring independence was their opposition to king and Parliament "For imposing Taxes on us without our Consent". As indicated, the founders had a conception of consent that was not as rigorous as it needs to be. Such lack of rigor leaves an open argument about whether any given person is subject to taxation or not. On one hand, the Declaration is absolutely clear that lawful taxation demands the consent of the taxed. On the other, the Declaration is not so clear about what constitutes consent. This failure to rigorously define consent leaves wide open the possibility that because the concept of consent is vague, laws relating to consent may also be vague. This obviously demands that the "vagueness doctrine" be incorporated into any discussion of taxation. The vagueness doctrine:

> Under this principle, a law which does not fairly inform a person of what is commanded or prohibited is unconstitutional as violative of due process.[1]

This belief that contracts, and laws that are components of contracts, can be void for vagueness is confirmed by a citation of federal case law by Vieira:

> [N]o one doubts that "a statute which either forbids or requires the doing of an act in terms so vague that *men of common intelligence* must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law".[2, 3]

This vagueness doctrine must be considered as possibly applicable when one enters into any study of the Internal Revenue Code (Title 26 of the United States Code (USC)), and of federal taxation in general, going back to the beginning. Even if these statutes are clear and compatible with originalist interpretation of the Constitution, they are not clear and compatible with a *metaconstitutional* interpretation of the Constitution because they, like face-value readings of the Declaration and Constitution, rely upon an inadequate definition of consent. Not only that, but also a reading of the statutes from a *metaconstitutional* perspective shows that the statutes actually mean something radically different from what the average tax payer thinks they mean. The statutes may be clear to someone who studies them thoroughly, but from a *metaconstitutional* perspective, such persistent study shows them to be riddled with error. Title 26 of the Code of Federal Regulations (CFR) pushes this error still further, pays lip service to consent, and in the final analysis, is precisely the kind of law that is void for vagueness. The error starts at the interface between Declaration and Constitution, and spreads like fungus throughout the whole system.

The way that income taxation has been implemented in this country is the ***national*** and ***global consolidationists***' masterpiece of intrigue and deception. The statutes convince loose constructionists and originalists that income taxation is constitutional, while the manner in which those statutes are implemented confuses tax payers into thinking that they owe taxes that they don't. IRS agents generally do nothing to disabuse the tax payer of this confusion, largely because they're too busy feeding at the public trough to care. Against this facade of constitutionality, the revenue-success of the income tax is also based on mal-administration. When one is caught in this web of pseudo-constitutionality and administrative duplicity, one's

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1 **Black's 5th**, p. 1389.

2 Embedded footnote: "Connally v. General Construction Co., 269 U.S. 385, 391 (1926) (emphasis supplied)."

3 Vieira, p. 122.

status is severely compromised. Before going into more detail about how this maze of deceit operates, it's critical to return to the solid foundation in the Declaration read through the lens of the natural-rights polity.

The Declaration is clear that consent is necessary to the existence of lawful taxation. But the originalist interpretation of the Declaration holds that this is Lockean consent, in which genuine consent may exist in the formation of the social contract, but does not exist in subsequent generations, and in which there is by default an ancient dichotomy between the ruled class and the ruling class. On the other hand, reading the Declaration from the perspective of the natural-rights polity demands that the signers of that document were generally faithful Christian men who were attempting to apply Bible-based theology to their governmental circumstances as best they could, who were aiming at something better than Locke's social contract, and who were aiming more specifically at implementing the natural-rights polity. This demands that the natural-rights polity's genuine consent be understood to be the genuine meaning of "consent", as that word is used in the clause, "Acts of pretended Legislation … For imposing Taxes on us without our Consent". This understanding of this clause demands that the natural-rights polity's genuine consent be the focus of the clause, and the focus of the Declaration's repudiation of taxation without consent. So the Declaration and the natural-rights polity agree that taxation without genuine consent is unlawful, and is essentially theft. This must be understood to be the firm foundation for properly interpreting the Constitution's references to taxation.

A crucial part of converting any natural person's status from being in the system to being out of the system, and thereby into the out-of-the-system prong of the pincer strategy, pertains to the process of terminating whatever activities automatically put one under the authority of the IRS. In this regard, it's important to understand that the second plank of the ten planks of the **Communist Manifesto** calls for "A heavy progressive or graduated income tax."[1] This shows that income taxation has been a crucial part of the globalist agenda for well over 150 years. By way of, (i)the fact that originalism fails to hold steadfastly to genuine consent, (ii)the fact that the income tax statutes are deliberately complex, vague, and confusing, and (iii)the fact that the part of the CFR that pertains to internal revenue lacks consistency with the originalist and the *metaconstitutionalist* Constitution, "heavy" income taxation is now a part of everyday life for the average working American. So as far as funding for the secular government goes, the *united States* have been deeply in the grip of

1 Marx & Engels, **Manifesto of the Communist Party**, Chapter II, "Proletarians and Communists", — URL: https://www.marxists.org/archive/marx/1848/communist-manifesto/ch02.htm, retrieved 18 June 2018.

globalization for a long time. In fact, any American who cares about the truth should be able to see that his/her country is in *de facto* compliance with most of the ten planks of Marx's manifesto.[1] Karl Marx was a Babel builder and was in the employ of Babel builders. Given that Babel builders are rational in their Babel building, which they are as much as Satan is rational, it's reasonable that they would have plans that they pursue over any number of generations, which they do. To understand how to convert the normal American's status, relative to the IRS, from in-the-system to out-of-the-system, it's important to take these facts as fundamental, including the fact that the globalists have devised income taxation as a trap.

Accompanying the vagueness doctrine as it appears to apply to income taxation, is a colossal fear in the people of the *united States* of the power of the IRS. Everyone is intimidated. Davids against this Goliath are rare. Just the thought of going against the IRS gives the average American sweaty palms. On the other hand, it's incumbent upon every Christian to recognize that the cowardly have no place in the New Jerusalem (Revelation 21:8). So it should be clear in every Christian's mind, whether Romans 13 demands blind obedience to the IRS, or not. If not, then Revelation 21:8 demands whatever courage is necessary to stand rationally against their claims. To make such a rational stand demands that each person be intellectually prepared. So each person must understand taxation in general, especially income taxation and employment taxation, from the IRS's perspective (which is the loose constructionist perspective), from the originalist perspective, and from the *metaconstitutional* perspective. This is far more than can be covered in this booklet. But this booklet will at least attempt to cover a few of the high points.

There is a distinction circulating in the culture between tax resistance and tax protestation. According to Wikipedia,

> Tax resistance is the refusal to pay tax because of opposition to the government that is imposing the tax, or to government policy, or as opposition to taxation in itself.[2]

According to this popular distinction, a "tax protester" differs from a "tax resister" in that the latter is someone who refuses to pay taxes on moral rather than legal grounds. Someone dedicated to the out-of-the-system prong is both tax resister and tax protester, because he/she has both moral and legal arguments. The Wikipedia

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1 Anyone who has doubts about this claim could start disabusing his/her self of such doubts by reading the following: Kirk Elliott, Ph.D., "Checklist: America Meets 90% of Karl Marx's Demands", July 6, 2011, World Net Daily. — URL: http://www.wnd.com/2011/07/319117/, retrieved 18 June 2018.

2 "Tax resistance". — URL: https://en.wikipedia.org/wiki/Tax_resistance, retrieved 11 July 2018.

article classifies people like Mahatma Gandhi and Henry David Thoreau as "tax resisters". The same article indicates that tax resisters differ from tax protesters in that the latter "deny the legal obligation to pay taxes exists or applies to them", while the former "may accept that some law commands them to pay taxes but they still choose to resist taxation." Anyone committed to actively practicing the natural-rights polity on the out-of-the-system prong of the pincer strategy will almost inevitably be classified as both resister and protester. People on the out-of-the-system prong of the pincer strategy refuse to pay the *de facto* government's taxes both as a protest against everything the *de facto* government does that deviates from the *de jure*, and out of the belief that the tax law is invalid because it lacks jurisdiction over the given **primary** and **secondary property** being taxed. The state will obviously oppose this posture. This kind of obstinate opposition by the state, juxtaposed to the massive ignorance of the population, is precisely why the out-of-the-system prong is currently unpopulated.

The battle lines are being drawn. The loose constructionists are claiming that income taxation is valid. Those holding to what's left of the natural rights ideology embedded in the organic documents are claiming, on numerous different grounds and fronts, that income taxation is invalid. The loose constructionists obviously have the courts almost entirely on their side, along with most of the American population and most of the evangelical church. Income taxation is not the only issue in this battle. The *united States* has been in violation of the natural-rights polity and the Declaration-based interpretation of the Constitution practically since the Constitution was ratified in 1788. Close examination of the Whiskey Rebellion from this *metaconstitutional* perspective will make this obvious.

While these arguments against American taxation in general are based on moral and religious principles grounded in the natural-rights polity, there are numerous arguments against income taxation that are classified as "constitutional arguments", because they claim that income taxation is unconstitutional; "statutory arguments" because they claim that even though income taxation may be constitutional, it is improperly implemented by the statutes; and other arguments that focus on the regulations and the implementing agencies. The courts have ruled practically all of these legal theories, excepting those based in the natural-rights polity, to be "frivolous".[1] But practically all of these so-called "frivolous" arguments have some merit, even if each also has its inadequacies. The fact is that each of the constitutional, statutory, and regulatory arguments opposes the ***global-consolidationist***, loose-constructionist agenda. The globalist opposition is more political than legal, but

1 Arguments based on the natural-rights polity have not been ruled frivolous, to date, primarily because there have not been judicial rulings on them.

because the loose-constructionists control the courts, they can call it "legal" with relatively little opposition from the cowed population.

Tax protesters and tax resisters are often thrown in jail. The state's reaction to tax resisters is to fine them and jail them as the court sees fit. The state's reaction to tax protesters depends upon whether the protestation includes refusal to pay. If it doesn't, then the protestation is a negligible sidebar. If it does, then the court will endeavor to classify the protester's argument as frivolous, and fine and/or jail him/her. Litigants can argue in tax court with the IRS about the amount the litigant owes, and not be subjected to fines and/or jail. But the federal tax courts are mostly executive branch courts, and are not judicial branch courts.[1] They are not generally where refusal-to-pay cases go. A tax protester has little hope of winning in a judicial branch court, unless the litigant finds a sympathetic jury. This is because of the court's dominant legal philosophy. The court's dominant legal philosophy is loose constructionist, and that philosophy is built like concrete into the nation's case law. — These are the circumstances that anyone committed enough to the natural-rights polity to work in the out-of-the-system prong must face. It's not for the faint-hearted, or for people who are only in it for the money, or for people motivated primarily by anger against the government. It's for people who have genuine religious, spiritual, and intellectual convictions.

If someone committed to the natural-rights polity and the out-of-the-system prong of the pincer strategy is careful to avoid the current banking system, signing up to pay FICA withholding, and participation in any number of different kinds of contracts that tend to put one under the jurisdiction of the jurisdictionally dysfunctional *secular social compacts*, including reception of any kind of direct benefit or entitlement from such government, then there's no good reason to enter into *de facto* litigation with any of the *de facto* revenue agencies. Such litigation is for the in-the-system prong of the pincer strategy. But the revenue agencies see all of its citizens as resources, and they like keeping their resources on their resource plantation. So while one is transitioning from being in the system to being out of the system, and changing one's status from allegiance to the *de facto* system to allegiance to the *de jure* system, those revenue agencies will be very displeased to discover that

1 The U.S. Tax Court was created by the Revenue Act of 1924 through Article I § 8 cl. 9, as the "U.S. Board of Tax Appeals", an executive branch court rather than an Article III court. It provides a forum in which affected people can dispute the Internal Revenue Commissioner's claim that taxes are deficient, prior to full payment. In *Freytag v. Commissioner*, 501 U.S. 868, 912 (1991), Justice Scalia wrote a concurring opinion indicating that he and three other justices believed the court to be an executive branch court, while the majority held that it had graduated into being a judicial branch court.

one is going through this kind of transition. At some point, it's likely that someone committed to the natural-rights polity will be required to defend his/her self against the *de facto* government's commandeering. At this point, legal theories that arise out of the natural-rights polity will need to be presented to the court. Because the natural-rights polity is based on the Bible, and not merely on human law, unlike these "frivolous" constitutional, statutory, and regulatory arguments, the court will be required by its legal philosophy to rule against religious claims as well as legal claims. A court within a lawful *secular social compact* has a right and duty to rule on subject matter that falls within the purview of the *secular religion*. But it has no right or duty to rule on subject matter outside that purview. Therefore, a *de facto* court that rules against a legal theory that is based securely on the natural-rights polity, by doing so, is moving from one degree of jurisdictional dysfunction to a still higher degree of jurisdictional dysfunction, and is perpetrating *delicts* against the non-state litigant in the process. In the process of fighting this philosophical war, there may be thousands of people in the out-of-the-system prong who have to suffer this kind of commandeering abuse from the *de facto* system. The only consolation will be that one is doing what God has called him/her to do. Courts can get away with calling God's Word "frivolous" for only so long before "He who sits in the heavens laughs … [and] break[s] them with a rod of iron and dash[es] them in pieces like a potter's vessel" (Psalm 2). He will not allow the cries of His people to go unheard. In time, the *de jure* system will overcome the *de facto* system, but only if there are people willing to fight by whatever means is necessary and proper.

The way to avoid having one's legal theory classified as "frivolous" under 26 USC § 6702, "Frivolous tax submissions", is to avoid filing tax returns. One of the statutes that loose constructionists rely upon is § 6011(a) of the Internal Revenue Code (IRC). Loose constructionists rely upon this statute to prove that everyone has an obligation to file a return. Of course the courts these days support this claim, that everyone is obligated, with only rare exceptions. The courts' opinion derives from a loose constructionist conception of the legal system. IRC § 6011(a) says the following:

> When required by regulations prescribed by the Secretary [of the Treasury] any person made liable for any tax imposed by this title … shall make a return or statement according to the forms and regulations prescribed by the Secretary.

This essentially says that Congress has turned over to the Secretary of the Treasury the responsibility of determining who is required to file an income tax return. So rather than making such a determination by way of starting with principles established in the Declaration of Independence, using those principles to rationally interpret the Constitution and work within its purview, and base the creation of the

statutes on that kind of rational, originalist-based system, Congress simply wrote the statutes in such a way as to turn the responsibility of determining who must file over to the Secretary, and whoever the Secretary hired to help him/her. This is serious congressional treachery that has existed in the statutes for many decades. Although the courts were once of the opinion that ordinary Americans generally did not owe the income tax or even need to file a return, the courts have more recently interpreted § 6011(a) to mean that practically everyone must file a return. That is essentially a gross repudiation of the Declaration of Independence, which says that taxation, and therefore filing of tax "returns", is consensual. Even though this is all brazenly true, one should transition from filing yearly to not filing at all, only when one has a genuine commitment to the natural-rights polity and when one has a thorough understanding of the circumstances and the consequences.

At the core of this magnified *de facto* jurisdiction of income taxation is, surprise, surprise, a major discrepancy over constitutional hermeneutics. It's the old battle between loose constructionists and strict constructionists upgraded for the 21st century. These days, loose constructionists dominate the legal system, and the courts are dominated by political hacks posing as judges. As a result, there are radical differences of opinion about what the law is between loose constructionists and people who have more respect for the written Constitution. Essentially, loose constructionist judges follow Babel-builder inclinations, and they tend to propagate bad opinions by following *stare decisis*, following a mob in doing evil and siding with many to pervert justice (Exodus 23:2). In contrast to this loose-constructionist approach to case law, both originalists and *metaconstitutionalists* follow a hierarchy of authority in making legal decisions.

Genuine originalists start with the Declaration of Independence as the highest authority in America's human law. The Declaration did not, and does not now, create human law. But it did posit philosophical principles by which human law should be legislated and interpreted. So as an interpretive and molding template, the Declaration exists at the top of the originalist's hierarchy of authority. So the Declaration has authority over the Constitution, the Constitution has authority over the statutes, and the statutes have authority over the administrative agencies' regulations, both to mold and to interpret from the originalist perspective. — Regarding human law, the genuine adherent to the natural-rights polity recognizes a hierarchy of authority that is very similar to that of the originalist. The difference is that such a *metaconstitutionalist* recognizes the *secular religion* that arises out of the Bible's global covenants as having authority over the interpretation of the Declaration of Independence. From this perspective, only the Bible's *secular religion* pertains within the secular arena, and this limited subject matter jurisdiction must filter

rigorously through each layer of the hierarchy to the lower layers. Interpretation of the Constitution from this perspective, by Congress, yields *de jure* statutes; by the judiciary, yields *de jure* precedent and case law; and by the executive, yields *de jure* rules that regulate the behavior of executive-branch agents and employees. Interpretation of the Constitution from any other perspective will yield statutes, case law, and regulations that are *de facto* but often not *de jure*.

Because loose constructionists are loose, they pay lip service to the originalist hierarchy of authority, but they believe in a higher rule called "expediency", "pragmatism", "convenience", or "practicality", and they generally follow Emerson's truncated maxim that "consistency is the hobgoblin of little minds", which of course is rationalization to do whatever one wants. As a result, they minimize the authority of this hierarchy whenever it suits them. They justify this propensity to inconsistency by claiming that the Constitution is a "living document". — By way of supreme Court cases like *Hylton v. United States*, 3 U.S. 171 (1796), and *Marbury v. Madison*, 5 U.S. 137 (1803), the supreme Court adopted the doctrine of "judicial review". Judicial review in this context is the power of the courts to determine whether any act of Congress is constitutional or not. Since those early cases, whenever the supreme Court rules an act of Congress unconstitutional, the nation has generally followed the Court's opinion. This has obviously set up the Court to have final authority, rather than the originalist's hierarchy of authority. By following the common-law doctrine of *stare decisis*, and following precedents established by case law, the originalists' hierarchy has been almost completely replaced by a body of case law that the loose constructionists call the "living constitution", which has essentially replaced the organic document in their opinions. The ramifications of these circumstances in regard to income taxation are HUGE. This is because, for one thing, both the originalist and the *metaconstitutionalist* hierarchies hold to the view that every individual must decide for his/her self whether a given act of Congress is constitutional or not. This burden rests much more profoundly on the individual believer in the *metaconstitution* than on the individual believer in originalism. Nevertheless, originalists and natural-rights *metaconstitutionalists* share this belief in extra-judicial review to some extent, and that extent is much greater than loose constructionists, because the latter deviate minimally from the doctrine of judicial review. Under the natural-rights polity, every human must decide for his/her self whether any given action of government is constitutional or not, meaning whether it is consistent with the *secular religion* or not. Because income taxation is inherently unconstitutional, and leaks lawlessness from the statist top, dripping it down on the people at the bottom who are merely trying to live their lives, the ***national*** and ***global consolidationists*** have been exercising unlawful authority throughout the existence of the income tax.

Sub-Div (a) The Whiskey Rebellion, Direct v. Indirect, & Voluntary Taxation

The ways that the *de jure* system has been subverted are numerous, but thinking strictly in terms of American human law, they can be summarized by the following sources of subversion: (i)by congressional treachery; (ii)by executive treachery; and (iii)by judicial treachery. In the *de jure* system, a strong judiciary will still be needed, similar to the way it's needed in the *de facto* system. The difference is that the *de facto* system has mostly abandoned the natural-rights paradigm that is embedded in the Declaration, and that is crucial to the proper construction of the Constitution. The pincer strategy is necessary to return the judiciary, and the entire system, to being grounded in the natural-rights paradigm. When the judiciary has more regard for the *metaconstitutional* hierarchy of authority than for its own authority, it will again need to be trusted with the power of judicial review for the sake of social coherence, even as it recognizes that everyone else must also have a similar authority to evaluate the law. In fact, there are numerous supreme Court opinions, mostly from before the advent of the administrative state, that are compatible with the *metaconstitutional* hierarchy of authority.[1] While the loose constructionists' case law system is largely a castle built on sand, the originalists have a system of case law that is largely compatible with the *metaconstitution*. The loose constructionists view many of the originalists' favorite opinions as having been overruled by later opinions. But originalists believe that such cases have not been genuinely overruled because loose-constructionist opinions tend to abandon the originalist's hierarchy of authority willy-nilly. The *metaconstitutionalist*'s commitment to these old opinions should generally be even stronger than the originalist's. There is essentially a civil war brewing in this conflict. This conflict has HUGE ramifications for income taxation.

(a) The Whiskey Rebellion, Direct v. Indirect, & Voluntary Taxation: After the whiskey excise was repealed in 1802, the main source of revenue for the general government for the remainder of the 19th century was through tariffs on imported goods. There were efforts at creating other kinds of taxes. For example, income taxation was established for the first time in America at the start of the War Between the States. Even so, the primary source of revenue throughout that century was

1 The primary exception to this trend of finding judicial opinions compatible with the *metaconstitutional* hierarchy of authority in cases decided prior to the advent of the administrative state is this: It's in the propensity of the courts to incorporate the federal Bill of Rights into State and local jurisdictions. That incorporation process continues up to the present, and tends to move the system as a whole towards the natural-rights polity. The problem is that since the advent of the administrative state and ***national consolidation***, there is far more motion in the opposite direction, and the incorporation process is mostly lipstick on a pig.

tariffs. This means that throughout most of the 19th century, the average citizen paid no federal taxes, because none was imposed on the average citizen.

The whiskey excise set two major precedents: (i)It set the precedent that the general government would violate the jurisdiction of each State by invading the State's territory and demanding tax revenues from State citizens. If the State had cared about being a *de jure secular social compact*, then it would have noticed that this act by the general government was an invasion of the State's territorial and *in personam* jurisdictions. This situation essentially entails that the State government and the general government would conspire together to steal from State citizens. (ii)The whiskey excise set the precedent that the general government would violate its own subject matter jurisdiction by violating its inherent mandate, as a *secular social compact*, to observe a very restricted subject matter, namely, the *secular religion*. Forced taxation violates the *secular religion*. — So the whiskey excise violated all three types of jurisdiction. In contrast to this, the tariffs that were the primary source of income for the general government throughout most of the 19th century did not violate the States' territorial or *in personam* jurisdictions. But they did violate the general government's subject matter jurisdiction. The fact that tariffs were less intrusive and offensive to State citizens explains why the country prospered under the tariffs while the whiskey excise sparked a rebellion.

Under the Articles of Confederation, Congress had no real power to tax. They could request, or even demand, funds from the States, but there was no clear enforcement power to back up such demands. Justice Swayne's opinion in *Springer v. United States* makes this clear:

> Many of the provisions of the Articles of Confederation of 1777 were embodied in the existing organic law. They provided for a common treasury and the mode of supplying it with funds. The latter was by requisitions upon the several States. The delays and difficulties in procuring the compliance of the States, it is known, was one of the causes that led to the adoption of the present Constitution. This clause [(Article I § 2 cl. 3; Article I § 9 cl. 4)] of the articles throws no light on the question we are called upon to consider [(which is whether a tax levied on "income, gains, and profits of the plaintiff" is a "direct tax")]. Nor does the journal of the proceedings of the constitutional convention of 1787 contain anything of much value relating to the subject. — 102 U.S. 586, 595-596 (1881)

The "difficulties in procuring the compliance of the States", meaning funds, was one of the reasons the framers decided that they needed to replace the Articles of Confederation with a constitution that didn't suffer this disability. As a result, the

power to tax has a prominent place in the Constitution of 1787. "Under the Articles [of Confederation] … Congress could raise money only by asking the states for funds, borrowing from foreign governments, or selling western lands."[1] The framers left the power to tax out of the Articles of Confederation "in part under the principle that the more distant the taxing power from the citizen, the less responsive it would be to his oversight and discipline."[2]

There are primarily two different kinds of taxes that are recognized in the Constitution, direct taxes and indirect taxes.[3] According to the Constitution, each of these two kinds of taxes must follow its own distinct rule of administration. This means that there are three rules that come out of the combination of the Declaration and the Constitution, that constrain how any government under these documents should collect revenues: (a)the rule of consent that governs humans laws, governments, and taxes in general; (b)the rule of uniformity that governs indirect taxation; and (c)the rule of apportionment that governs direct taxation. Regarding the rule of consent: Any interpretation of the Declaration that is based on the natural-rights polity demands that the Declaration's complaint against the king regarding taxation without consent – that he "combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation … For imposing Taxes on us without our Consent" – must be interpreted as showing agreement between the Declaration and the natural-rights polity regarding taxation. In other words, taxation without the consent of the taxed is nothing more than theft. This rule supercedes both the rule of uniformity and the rule of apportionment. But once the rule of consent is established and acknowledged as true and definitely bearing on taxation in general, one can go on to look at how and to what extent the rules of uniformity and apportionment pertain. Indirect taxes are to follow the rule of uniformity, while direct taxes are to follow the rule of apportionment.

Before going into examination of the facts that direct taxation must follow the rule of apportionment while indirect taxation must follow the rule of uniformity, it's important to consider more thoroughly this discrepancy between the fact that the Articles of Confederation provided no power to tax while the Constitution does provide such power. In some respects, it could be claimed that the natural-rights polity demands a resurrection of this flaw in the Articles of Confederation. This was

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1 University of Houston's Digital History archive. — URL: http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=2&psid=3225, retrieved 24 July 2018.

2 Peter Eric Hendrickson, **Cracking the Code: The Fascinating Truth about Taxation in America**, 2007, p. 190, www.losthorizons.com.

3 U.S. Const. Art. I § 2 cl. 3; Art. I § 8 cl.1; Art. I § 9 cl.4-5.

a condition under which the general government had no enforcement power in regard to revenue intake. But such a claim that the natural-rights polity would necessarily return the *united States* to that dire condition is not true, and deserves to be examined in passing. Under the *metaconstitutional* system, if a State were to neglect to pay its dues, then it would, after some reasonable grace period, become delinquent. The penalty for being delinquent would be a change in status of the State, from being a participant in the ***confederate republic*** to being a non-participant. It would by default transition into being a *secular social compact* that was not confederated into the *united States*. As such, it would be a *de jure secular social compact* that decided to secede, a jurisdictionally dysfunctional *secular social compact* that decided to secede, a territory that was no longer subject to a functional *social compact*, or, the least likely, a *de jure* or *de facto religious social compact*. Regardless of which of these situations pertained, the general government would need to recognize that the State had ceased being confederated. This would mean that the general government would need to treat that State as non-friendly to the natural-rights polity, at least until evidence to the contrary was acquired. This would mean that imports into other States from that delinquent State would need to be checked, and travel between that State and other States would be impaired by checks for hazardous people and products. This by itself shows that there are serious repercussions to each State if it doesn't pay its dues. There is clear incentive here for each State to remain confederated. Unlike the Articles of Confederation, in which there were no specific consequences for neglecting or refusing to pay a requisition to the general government, consequences under the *metaconstitution* would be specific and real. Of course this brings into question how each State is to collect revenue to pay its dues to the general government. This and other questions about how the *united States* are to fund themselves and the general government, under the natural-rights polity, will be addressed shortly.

The Constitution mentions "direct Taxes" in Article I § 2 cl. 3 and Article I § 9 cl. 4. It indicates in § 2 cl. 3 that direct taxes are to be "apportioned among the several States", according to the number of States and the relative populations of those States.[1] Article I § 9 cl. 4 indicates that "No capitation, or other direct, Tax shall be laid unless in Proportion to the Census or Enumeration herein before directed to be taken". Clearly, a capitation is a kind of direct tax. A capitation is "A tax or imposition upon the person".[2] Under strict construction, it's a head tax. But

1 It's important to note in passing that according to some interpretations of the 16th Amendment and case law that pertains thereto, this requirement for apportionment of direct taxes has been modified by the 16th Amendment in regard to income taxes. But according to other interpretations, this is not necessarily so.

2 **Black's 5th**, p. 191.

historically not all direct taxes were head taxes, evidenced by the fact that direct taxes have been laid on real estate and other things that have been construed to demand apportionment.

The expression, "indirect taxes", doesn't appear in the Constitution, but the concept is cued implicitly at Article I § 8 cl. 1. The Constitution indicates there that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises … but all Duties, Imposts and Excises shall be uniform throughout the United States". The difference between a direct tax and an indirect tax is this: In direct taxation, the person taxed pays the tax, but in indirect taxation, someone other than the person from whom the government demands remission, pays the tax. An example of this distinction can be seen in sales taxation. The seller collects a sales tax from the buyer as a percentage of the price of the item sold, and acts as an intermediary between the buyer and the government's revenue agency. The buyer is the one who pays, but the government doesn't interface with the buyer, but only with the seller, the remitter. That's why it's an indirect tax. Because the remitter is not the taxee in indirect taxation, indirect taxation may appear to be benign. But the government essentially forces the remitter to become a tax collector. — If the government approached Person A, and said, "Give us $50, now", that would be a direct tax because Person A would need to pay it, without any immediate compensation from someone else. The government would be taxing A directly, instead of B by way of A. — The uniformity mentioned in § 8 cl. 1 pertains to "equality in the burden of taxation".[1] It means that the government is supposedly not allowed to pick out certain people, States, or regions for a special burden. The burden needs to be spread as though all people are equal before the law, as though it's uniform.

Historically, direct taxation has been seen as more onerous than indirect. Generally, the framers recognized this, and they recognized that capitations are especially onerous. That's why they mandated that direct taxation would follow the rule of apportionment. They also recognized that indirect taxes could be easily abused, and that's why they mandated that indirect taxes would follow the rule of uniformity. In both cases, the rationale is apparently something like this: If any State, or any person, has to suffer taxation, then the suffering should be spread proportionately relative to the States, and uniformly relative to individual people. The framers needed to find a way to avoid fiscal impoverishment at the level of the general government without creating onerous burdens on the population. These two rules were the best that they could do, providentially, during the Constitutional Convention in 1787. These are obviously not adequate to the main task of keeping government in conformity to the natural-rights polity. Nevertheless, there is a

1 **Black's 5th**, p. 1373.

way to proceed in this revenue-collection task that meets two important criteria. First, this revenue-collection task should be administered in a way that is rationally consistent with the natural-rights polity. Second, this revenue-collection task should not require an amendment to the Constitution, but should be compatible with the Constitution as it presently exists, with all the amendments made since 1787. In other words, adoption of proper policies should be adequate to render rational consistency between the natural-rights polity and the Constitution, without new amendments, at least within this arena of revenue collection.

To establish a system of revenue-collection for the existing jurisdictionally dysfunctional *secular social compacts*, a system for the *de jure secular social compact* that is latent within each *de facto* government, it's possible to work within the existing framework. The framers have bequeathed a distinction between direct taxes and indirect taxes to the current generation. To avoid having to amend the Constitution, that's the framework within which it's necessary to operate. So one question that might be helpful is this: Has the general government ever levied taxes, either directly or indirectly, in a way that conforms rationally to the requirements of the natural-rights polity? — As mentioned, under the Articles of Confederation, the general government didn't levy taxes, but only made requisitions to the States. Such requisitions were compatible with the natural-rights polity, but the system left the general government impoverished. So this question should be confined to the general government after 1787.

Because duties, imposts, and excises must follow the rule of uniformity (Art. I § 8 cl. 1), it's evident that they are indirect. In the case of the Whiskey Rebellion, the whiskey excise was levied in such a way that the general government violated the jurisprudential sovereignty of the States. It also violated the rules of uniformity in that it singled out whiskey for destruction. According to the famous quote from Chief Justice Marshall, "the power to tax involves the power to destroy", *McCulloch v. Maryland*, 17 U.S. 316, 431 (1819). So the singling out of whiskey to be taxed is an act of destruction. It may not destroy whiskey completely, but it certainly has a warping effect on the whiskey market. It ceases to be a free market in whiskey, and enters into being a government-managed market. The 20th-century experiment in alcohol prohibition shows that when the power to tax and control is pushed to excess, black markets and organized crime tend to arise to counteract the destructive forces of jurisdictionally dysfunctional government. All this raises the question: Why whiskey? Why tax whiskey instead of milk or lemonade? Trying to peer into the mind of Alexander Hamilton from this distance, one can only speculate. But it's likely that Hamilton thought that he could get away with a whiskey excise because he thought that sober Christians would all be on his side. In other words, whiskey

was a vice and deserved to be taxed as a vice, unlike milk and lemonade. This kind of logic is what has often motivated domestic excises. This logic violates the subject matter of the indirect tax by violating subject-matter uniformity. A *secular social compact* violates its commission to enforce the *secular religion* the instant it decides to classify whiskey as a vice and milk and lemonade as non-vices. From there, it goes further into jurisdictional dysfunction by levying an excise against whiskey, but not against milk or lemonade. It violates the rule of uniformity in regard to subject matter.[1] But the rule of uniformity has usually been understood by lawyers to pertain to territory and not to subject matter.[2] It has usually been understood to mean that indirect taxes should not be levied in a way that favors one State or region over another, and whether it favors milk and lemonade over whiskey is irrelevant.

If Appalachian farmers were the primary distillers of whiskey, then a whiskey excise would not be territorially uniform because it would favor States that had no Appalachian farmers. This lack of territorial uniformity of indirect taxation is one of the motivations behind the biggest conflict in 19th-century America, the War Between the States. The southern States seceded largely because of the lack of territorial uniformity of the general government's indirect taxation. Tariffs, being systems of import duties and imposts, radically favored northern manufacturing States and disfavored southern agricultural States.

Regardless of whether the indirect tax is a duty, an impost, or an excise, it is never genuinely uniform with respect to its subject matter, territory, or personal jurisdiction. This is especially true when the general government violates the jurisdiction of a subsidiary State by imposing the indirect tax within the State. They really cannot do this without profoundly disturbing the fundamental structure of the ***confederate republic***.

Because the general government was financed throughout most of the nineteenth century by tariffs, it was financed through indirect taxes. Tariffs are a special burden on importers.[3] Because they are a special burden on importers, that special burden is evidence that the rule of uniformity, in regard to *in personam* jurisdiction, was never

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1 *De jure secular social compacts* are not allowed to do things like issue liquor licenses, and they are therefore not allowed to put excise taxes on such licenses or on the sale of liquor. In the *de jure* system, because there is practically no revenue to be had from indirect taxation, because of this dearth of privileges, direct taxation is the only source of revenue left available under the natural rights polity.

2 "[I]t is settled that that clause [(the uniformity clause)] exacts only a geographical uniformity". — *Brushaber v. Union Pacific Railroad Co.*, 240 U.S. 1, 24 (1916).

3 This is especially true in light of Art. I § 9 cl. 5: "No Tax or Duty shall be laid on Articles exported from any State."

really followed during the 19th century. Maybe it got some lip service here and there, but it has never been genuinely followed, because it's an impossible standard. Combine this impossible standard with the fact that it is non-consensual, and it becomes something to be avoided entirely. So if a *de jure secular social compact* must avoid indirect taxes entirely, what's the alternative?

In *Springer v. United States*, Justice Swayne looked at "the legislation of Congress touching" direct taxation. Based on his citation of direct taxation in the years, 1798, 1813, 1815, 1816, 1861, and 1862, he concluded that

> [W]henever the government has imposed a tax which it recognized as a direct tax, it has never been applied to any objects but real estate and slaves. … We are not aware that the question of the validity of such a tax was ever presented for adjudication.
> — *Springer v. United States*, 102 U.S. 586, 598-599 (1881)

This shows that even though the general government was funded primarily by indirect taxation throughout the 19th century, there were nevertheless efforts made at direct taxation. But none of those efforts were capitations in the strict sense of that word.[1] They were levied instead against real estate and slaves. There was a pattern set for direct taxation by two statutes enacted in 1798. The first act provided for the valuation of lands and dwellinghouses, and the enumeration of slaves, throughout the country.[2] This act provided for the assessment of such property within each State, but did not provide for the collection of taxes. It essentially set up a system within each State, where the system, empowered by federal employees, would keep track of the ownership of dwellinghouses, lands, and slaves, and the value of the lands and dwellinghouses. Once this system was set up, the system would facilitate the imposition of direct taxes on the ownership of such properties. That's what a subsequent act in 1798 did. This subsequent act was "An Act to lay and collect a direct tax within the United States".[3] The latter act demanded two million dollars from the States, and apportioned that demand to the States according to

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1 A capitation is usually understood to be equivalent to a poll tax, "A tax or imposition upon the person." (**Black's 5th**, p. 191) In ancient Roman law, this *tributum* was distinguished from a tax on merchandise, a *vestigalia*. But in more recent times, there is often a looser conception of capitation that includes assessment upon **secondary property**.

2 **Statutes-at-Large,** Fifth Congress, July 9, 1798, Chapter LXX, "An Act to provide for the valuation of Lands and Dwelling-Houses, and the enumeration of Slaves within the United States", pp. 580-591. — URL: https://www.loc.gov/law/help/statutes-at-large/5th-congress/c5.pdf, retrieved 13 August 2018.

3 **Statutes-at-Large,** Fifth Congress, July 14, 1798, Chapter LXXV, pp. 597-604. — URL: https://www.loc.gov/law/help/statutes-at-large/5th-congress/c5.pdf, retrieved 13 August 2018.

the proportionality that's specified in the Constitution:[1] State population is to U.S. population what State direct tax revenue is to total U.S. direct tax revenue (section one of the second 1798 act). The U.S. and State populations being known from the 1790 census, and the general government's need for revenue being two million dollars, the only unknown in this proportionality was what each State's direct tax would be. By solving for the unknown, section one distributed the demand to the States proportionately.

Section two of the act essentially provided an array of percentages by which dwellinghouses of various evaluations would be taxed. It also provided for an assessment of fifty cents for each slave. It also indicated that after deducting this tally collected based on dwellinghouses and slaves, the State's lands would be taxed at whatever rate would make up the remainder, thereby satisfying the total the general government demanded from the State. Section three provided that, "if … it should appear that the sums so to be assessed on houses and slaves within any state will exceed the sum hereby apportioned to such state, then the supervisor shall … deduct from the sums so to be assessed on houses, such rate per centum as shall be sufficient to reduce the whole amount of the said assessments, to the sum apportioned to such state".

These two statutes from 1798 show clearly that tax-collecting agents of the federal government commanded payment of these taxes directly from the owners of these properties. This shows that this direct tax was every bit as intrusive into the jurisprudential sovereignty of the States as was the whiskey excise. The same essential pattern of direct taxation was followed in each of the subsequent years of direct taxation that was examined by Swayne in *Springer*. In 1813, the pattern was changed slightly by changing the flat rate for each slave to a percentage of the evaluation of each slave. But other than that, the essential pattern established in 1798 was followed in each of the direct-tax years examined by Swayne.[2]

If the direct tax had been presented to each State as a requisition by the general government to the State for the latter to fulfill according to its discretion, then perhaps such a direct tax would have been lawful under the *metaconstitution*. It would have been a direct tax to the State, as distinct from being a direct tax to individuals within the State. This confirms that similar to the way indirect taxation is not compatible with the natural-rights polity, direct taxation, as it was done in the six years cited by Swayne in *Springer*, is also not compatible. So it's safe to conclude that the general government has never levied taxes, either direct or indirect, in a way

1 Article I § 9 cl. 4, § 2 cl. 3.

2 *Springer v. United States*, 102 U.S. 586, 598-599 (1881).

that conforms rationally to the natural-rights polity. But is it possible to do direct taxation in a way that is compatible? It's already evident that it's not possible to do indirect taxation in a way that's compatible, but perhaps there's a way to do direct taxation that's compatible with the natural-rights polity.

Even though every instance of apportioned direct taxation in American history may violate the standards of the natural-rights polity, that doesn't mean that direct taxation inherently must violate it. Indirect taxation will always violate it for these reasons: (i)Genuine uniformity is an unattainable goal simply because indirect taxation is always a parasite on some activity or thing the government agents deem worthy of at least partial destruction, often being from their perspective *trespass*-free *mala in se*. (ii)Indirect taxation is inherently non-consensual. It's true that one can choose to engage in a transaction that is indirectly taxed, or not, as one sees fit. But it's also true that the indirect tax is a parasite on the transaction. And that parasitic feature is non-consensual if one chooses to engage in the transaction. The remitter, being forced to be a tax collector, feels the burden of the tax more profoundly than the payer does. — Direct taxation could be understood to be conformable to the natural-rights polity if the defects of historical American direct taxation could be avoided. If direct taxation could be assumed to apply to States, where such States are understood to be *secular social compacts*, where the direct taxation does not intrude into the jurisdiction of the State, where the direct taxation is understood to be more in the nature of a requisition than in the nature of confiscatory taxation, and where the direct tax is not levied against any kind of **primary** or **secondary property**, but is only apportioned to the States according to population, then under those circumstances direct taxation could be understood to be compatible with the natural-rights polity.

Direct taxation administered purely as a requisition to each State would appear to be a return to the fiscal status of the general government under the Articles of Confederation. The choice seems to be between fiscal impoverishment of the general government in a system compatible with the natural-rights polity, and fiscal sufficiency of the general government in a system that is not compatible with the natural-rights polity. But this is a false dichotomy. It's false because it's based on the assumption that people will not voluntarily pay under the natural-rights polity. — If the general government were to fund itself through direct taxation administered purely as a requisition to each State, then that would make the general government a *de jure secular social compact* in regard to satisfaction of its need for revenue. If it were a *de jure secular social compact* in all other respects, then it would require a small fraction of the revenues the *de facto* general government presently accumulates. If each State were also a *de jure secular social compact*, then the same would be true

for each State. The need for revenue would be massively reduced. If counties and cities were also *de jure secular social compacts*, then this massive reduction would be true for them also. All of these *secular social compacts* would be fiscally minimized. But how would they be funded? Each unit in each tier of the *secular social compacts* would make apportioned requisitions to the *secular social compacts* encompassed by its territorial jurisdiction, as well as to individuals and *religious social compacts* over which it had original territorial jurisdiction. The ultimate source of funding for the whole system would be at this level of original jurisdiction. The assumption that the people at the level of original jurisdiction would not voluntarily pay is equivalent to a claim that the people at that level would not care about their responsibilities as miniature sovereigns. That may be a safe assumption about some people, but it cannot possibly be a safe assumption about all people. "[G]overnment of the people, by the people, for the people", depends upon there being a sufficient number of voluntary donors to make the system work. The system was built starting on July 4, 1776, primarily on the assumption that there are sufficient numbers of responsible miniature sovereigns. Confiscatory taxation is the imposition of foreign ideas, (i)that people will not voluntarily pay taxes, and (ii)that there is necessarily a ruling class and a ruled class, the ruling class being a parasite on the ruled host. To enthrone such assumptions in law is to declare both the vision of the framers and the design of the biblical covenants defunct. So this in the final analysis is an assumption that Christianity is dead. Many miniature sovereigns will fight that idea to the death.

Miniature sovereigns who follow the extended Reformed hermeneutic know that even though they do not read Romans 13:1-7 from the typical face-value perspective, that passage's call to pay taxes is rudimentary. It's not a call for forced taxation, and it's also not a call to kowtow to tax-guzzling tyrants. It's a solemn call to recognize the parameters of lawful government and to do one's part as a miniature sovereign to voluntarily support such government with funds, and with whatever else is necessary, to make such government work. This should be taken as what the framers were aiming at, even though, like everyone else, they were prone to missing the mark.

This vision of direct taxation is obviously dependent upon the existence of tiered jurisdictions of *secular social compacts*. This is a fundamental feature of the *metaconstitution*'s conception of the Constitution. In spite of all the efforts at ***national consolidation***, this jurisdictional characteristic of the ***confederate republic*** cannot be expunged from the system merely by using a sub-standard interpretational policy. No matter how hard exponents of the "living constitution" may try to eradicate it, this tiered jurisdiction still exists. — Unlike the Articles of Confederation, this system of direct taxation by apportioned requisition does not leave the general government utterly without recourse. This tax must be utterly voluntary, but accompanying this

requirement is the need to expel whatever *secular social compact* refuses to pay its dues. It needs to be written into the *secular social compact* of the general government that subsidiary *secular social compacts* need to pay their way, and if they don't, their status shifts by default into that of an unaffiliated, jurisdictionally dysfunctional *secular social compact*, a compact that is not confederated into the ***confederate republic***'s tiered system of *secular social compacts*.

This is how taxation should work under the natural rights polity: (a)The *secular social compact* determines what it needs in order to pay its expenses for the next fiscal year. (b)The *secular social compact* generally publishes that need. In particular, if the *secular social compact* is at some tier of a hierarchy of *secular social compacts*, as the State and general governments of the *united States* are, then it publishes that prospective need especially to the *secular social compacts* that are at the immediately lower level of the hierarchy, showing each the portion of the total that it owes. In the process of making such a publication, it apportions the amount of the total bill to each of the subsidiary *secular social compacts* according to their respective populations. (c)In order to remain confederated into this ***confederate republic***, as distinguished from being a stand-alone *secular social compact*, each *secular social compact* in each subsidiary tier of the hierarchy should pay what it owes to its encompassing *secular social compact*. (d)This system of paying for expenses of *secular social compacts* should operate like this from the top tier, the general government, down to the tier at which there is no subsidiary *secular social compact*. At this lowest level, and in some respects at each level where original jurisdiction exists, the given *secular social compact* will have original *in personam* jurisdiction over individual human beings. This is the point at which the taxation appears to be direct with respect to individuals. But this direct taxation is not onerous because it is voluntary, and cannot be extracted by force, because coercion would turn the given *secular social compact* into a protection racket.

(b) Originalist View of Income Taxation: Because it bears heavily upon the way income taxation has developed, it's important to understand that there is a good deal of ambiguity built into this distinction between indirect taxes and direct taxes. This is especially true when direct taxation is presumed to apply to **secondary property**, rather than as a strictly defined capitation. This ambiguity was recognized by at least some of the framers. For example, in *Springer*, Justice Swayne quoted one of Hamilton's legal briefs about *Hylton v. United States*, 3 U.S. 171 (1796):

> "What is the distinction between direct and indirect taxes? It is a matter of regret that terms so uncertain and vague in so important a point are to be found in the Constitution. We shall

> seek in vain for any antecedent settled legal meaning to the respective terms. There is none. We shall be as much at a loss to find any disposition of either which can satisfactorily determine the point." — 102 U.S. 586, 597-598 (1881)

This ambiguity in the relationship between direct and indirect taxation is in many respects at the core of much of the fussing about income taxation.

In this first quarter of the 21st century, probably the most succinct and best-articulated expression of doubts about the lawfulness of American income taxation appears in a memorandum of law written by a lawyer, the late Tommy Keith Cryer, which he used in 2007 to defend himself in federal district court against indictments for tax evasion and willful failure to file.[1] In conformity to the originalists' propensity to strict construction, Cryer emphasizes early in his memorandum that tax statutes must be strictly construed. As indicated by Justice Sutherland in *United States v. Merriam*, 263 U.S. 179, 187-188 (1923),

> [I]n statutes levying taxes the literal meaning of the words employed is most important, for such statutes are not to be extended by implication beyond the clear import of the language used. If the words are doubtful, the doubt must be resolved against the Government and in favor of the taxpayer.

Cryer cites ample other legal resources and cases to make the point that tax statutes must be strictly construed. Given that Chief Justice Marshall made it clear in *McCulloch v. Maryland* that tax laws have a destructive capacity, it makes sense that there should be serious constraints on this destructive capacity. A judicial standard that tax laws should be strictly construed is therefore undeniably minimal.

The next major point that Cryer makes is that when the federal income tax statutes are strictly construed, they do not "plainly and clearly" lay a tax on him. He says, "The imposition of the tax is on taxable income, only, not on any person or entity".[2] The income tax is imposed in 26 USC § 1, and there the statute does not impose a tax on anything other than "taxable income". Later in Title 26, it becomes clear through strict construction that there are only five categories of people that are explicitly made liable for the income tax:

> [T]he only persons being assigned any liability for the income tax imposed by § 1 are those five instances – partners, certain large partnerships, foreign corporations, withholders of taxes on

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1 Tommy K. Cryer, J.D., Memorandum of Law in *United States v. Tommy K. Cryer*, Western District of Louisiana, Shreveport Division. — URL: https://www.truth-attack.com/jml/images/stories/PDF/cryer_MEMORANDUM.pdf, retrieved 25 July 2018.

2 Cryer Memorandum, p. 13.

> nonresident aliens and foreign corporations and those employers required by Chapter 24 of Subtitle C to withhold taxes on employees.[1]

If one does not fall readily into one of these categories, then it's not "plainly and clearly" certain that one is genuinely liable for the tax. Cryer stated plainly that he did not inhabit any one of those five categories, and there was apparently no evidence presented to the court to contradict his claim. — This ambiguity in § 1 about liability is not evident in other sections of Title 26 that impose taxes. Cryer gives examples:

> 26 U.S.C. §§ 2032A and 2056A specifically state who is liable for the Estate Tax; 26 U.S.C. § 3102(b) specifically states who is liable for the FICA tax; 26 U.S.C. § 3202 specifically states who is liable for the Railroad Retirement Tax; 26 U.S.C. § 3505 specifically imposes liability for Employment Taxes; 26 U.S.C. §§ 4002 and 4003 specify not only who is primarily liable, but who is secondarily liable for the Luxury Passenger Automobile Excise Tax.[2]

This pattern of specific and strictly defined liability appears throughout Title 26, but is mysteriously absent in Subtitle A, "Income Taxes". According to common sense, and not merely according to strict construction, in regard to income taxation, "the only ones liable are those specifically named as liable, just as in any other tax provision".[3]

It's obvious that Cryer was not "plainly and clearly" made liable through 26 USC § 1 income taxation. Given that tax statutes must be strictly construed, and if it's true that Cryer doesn't fit into one of those five categories, then Cryer cannot lawfully be held liable for the tax. On the other hand, § 1 imposes taxes on "taxable income". So the question arises, could Cryer have been liable by inference, through revenue to him that was taxable? After showing that tax statutes must be strictly construed, and after showing that the income tax law does not specifically and explicitly make him liable, Cryer investigates the possibility that he could be implicitly liable. This assumes that he could be liable by inference. But such inference would still need to be subject to the rule that tax statutes must be strictly construed. Perhaps the inference was clear enough and sticky enough for it to pass the strict-construction test. In order for this to be true, it's necessary to somehow overcome a major problem in the Internal Revenue Code, namely, that "income" is never defined in Title 26.

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1 Cryer Memorandum, p. 15.

2 Cryer Memorandum, pp. 15-16.

3 Cryer Memorandum, p. 17.

Neither is the term "taxable". "Taxable income" is "defined" at 26 USC § 63. It is defined like this:

> Except as provided in subsection (b), for purposes of this subtitle, the term "taxable income" means gross income minus the deductions allowed by this chapter (other than the standard deduction).

Subsection (b) pertains to people who do not itemize their deductions. Gross income is defined at 26 USC § 61:

> Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:

There are fifteen things listed that are included in gross income. But strictly speaking, those fifteen things do little to clarify the meaning of gross income. The definition of gross income is clearly dependent upon the fundamental definition of income, which is not given. That means that it's necessary to resort to outside sources, like dictionaries, to get a viable definition of income. This does nothing to reduce the ambiguity of the income tax law.

Much is made of this expression found in the definition of gross income, "from whatever source derived", because it appears in the 16th Amendment:

> The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

Cryer indicates that,

> This Amendment was adopted in order to overrule *Pollock v. Farmers' Loan and T. Co.*, 157 U.S. 537 … (1895), which held that a tax on income derived from property burdened the property and was, therefore, a direct property tax subject to the requirement of apportionment. Therefore, the reference to "from whatever source derived" is not an indication that Congress may tax any income from any source, but is only an indication that an *income* tax (and a tax only on income) is not to be classified as a direct tax, subject to the requirement of apportionment, by virtue of the source of the income. This is not to say that the tax is to be applied and charged against all income without regard to its source.
>
> The 16th Amendment **did not expand the scope of Congress' power to tax** (*Brushaber*, *Stanton*, *Tyee*, *supra* et al.), thus although the source of income is no longer a factor in determining whether the tax is direct or indirect, neither the

> jurisdiction of the federal government nor its taxing authority was enlarged to include authority to tax activities and privileges that it could not have taxed before the 16th Amendment. Source of income, then, is still a factor in determining the scope of the taxing authority of the federal government.[1]

This is probably getting far more analytical than loose constructionists like. Nevertheless, Cryer makes good points and backs it up with federal case law. Even if Cryer never claimed to be an originalist, he is putting himself squarely within the originalist camp by making such finely honed arguments based in what has been traditionally understood to be strict constructionism. Originalists must accept the 16th Amendment along with all the other amendments that have not been repealed, as part of the organic document. *Metaconstitutionalists* have a similar obligation. But loose constructionist interpretations of the 16th Amendment violate fundamental principles to an intolerable extent, and they must be countered by arguments that defend fundamentals.

Congress had power, under originalist interpretation, to tax incomes long before the 16th Amendment was passed in 1913. There had been an income tax imposed in 1861 that was modified but not repealed until 1872. Congress imposed another federal income tax law in 1894, but it was ruled unconstitutional by *Pollock v. Farmers' Loan & Trust Co.***,** 157 U.S. 429 (1895). Chief Justice Fuller ruled in *Pollock* that "the tax on rents, profits or income from real estate" (p. 607) imposed by the 1894 act was a direct tax that should have been apportioned. The income tax from thirty years prior had been treated as an excise. The 16th Amendment was needed to ensure that income taxation would never be treated as a direct tax again. But rigorous reading of the 16th Amendment does not prove that the amendment gave new power to tax to Congress. In fact, *Brushaber v. Union Pacific R.R.*, 240 U.S. 1 (1916), *Tyee Realty Co. v. Anderson*, 240 U.S. 115 (1916), and *Stanton v. Baltic Mining Co.*, 240 U.S. 103 (1916) each holds that the "16th Amendment **did not expand the scope of Congress' power to tax**".[2] Regardless of whether the source of income is from rents, labor, profits from real estate, or anything else, the 16th Amendment acknowledged that Congress has the power to tax such incomes without apportionment. But that amendment did not eradicate the distinction between direct and indirect taxation, and it did not increase the taxing power of the general government.

To prove that "from whatever source derived" has a limited application to income taxation, and does not give additional power to tax to Congress, meaning that whatever limitations on the power to tax existed before the 16th Amendment

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1 Cryer Memorandum, pp. 24-25.

2 Cryer Memorandum, p. 24.

necessarily also apply after it, Cryer goes into a study of sources of income. He looks specifically at 26 USC § 861, "Income from sources within the United States". To see how that statute was implemented, he looks at 26 CFR § 1.861-1. He discovers that 26 CFR §§ 861 *et seq*., "are used to determine taxable income", and "that there are either items or sources of income that CANNOT be … included in gross income to begin with."[1] Cryer concludes that "not all income is includable in gross income". That conclusion confirms his earlier finding that the 16th Amendment's "incomes, from whatever source derived", does not eliminate all constraints on federal taxing powers. There must be limitations on each, on both taxable income and federal taxing power. After further examination of these sections within the CFR, Cryer concludes that "not all income, 'from whatever source derived', is to be included in gross income".[2] He asks from whence acknowledgement of this might come.

Cryer goes into examining the 1940 regulations, which were based on the 1939 Internal Revenue Code. He finds there clear indications, in 26 CFR § 19.22(b)-1, that "not all income is Constitutionally taxable by the federal government (earlier versions referred to exempt income being that which is not taxable by the federal government 'under fundamental law')."[3] — "[P]rior to 1954 the tax was imposed on 'net income' [rather than gross income] and … it did disclose that some items or sources of income are exempt from taxation."[4]

According to Cryer, "The 1954 Code … made two very significant 'adjustments'" to the pre-existing code. One was that "each and every reference to the Constitution, to fundamental law, to limitations on federal taxing authority and to the Sixteenth Amendment's meaning of 'income' was purged, erased, banished from both the Code and the regulations."[5] The other adjustment was that the tax was no longer laid on "net income", but was placed instead on "taxable income".[6]

Returning to 26 CFR 1.861-1 *et seq*., which is based on 26 USC § 861, "Income from sources within the United States", Cryer indicates that these are "vestigial disclosures" of exemptions and qualifications to the meaning of "income". Although 26 CFR 1.861-8T(d)(2)(ii) and (iii) define "exempt income, it … does not identify … what those exemptions are or upon what they are based."[7] They make it clear that

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1 Cryer Memorandum, p. 28.
2 Cryer Memorandum, p. 32.
3 Cryer Memorandum, p. 33.
4 Cryer Memorandum, p. 35.
5 Cryer Memorandum, p. 36.
6 Cryer Memorandum, p. 36.
7 Cryer Memorandum, p. 39.

there are things that are "'exempt, excluded or eliminated' from federal income tax", but it leaves little hint as to what those things are.

Citing the 1939 Code and the 1940 regulations that he already introduced, Cryer says,

> Congress and the Treasury Department have statutorily and through regulations, respectively, acknowledged that there are limitations upon Congress' power to tax and that there are items and sources of income that are Constitutionally exempt from taxation by the federal government.[1]

He reminds the reader that "tax laws must be strictly construed and that any ambiguity must be resolved against the imposition of the tax". Based on this sound principle, Cryer concludes that

> sources of income other than those enumerated [in 26 USC § 861 and its implementing regulations] cannot be included in gross income and that items of income other than those items of income specified as *not* exempt, *are* exempt from federal income tax. With the sole exception of those sources specifically identified as not exempt, it cannot be said that the tax has "been plainly and clearly laid" on any other sources or items of income.[2]

Cryer's conclusion, regarding the contention that he had "taxable income", is that strict construction indicates otherwise. He was not somebody else's "employee" in the Subtitle C sense of that word, and he did not fit into any of those five categories of people explicitly made liable for the income tax in Subtitle A, and he did not receive "income" that was explicitly "taxable", as indicated by the source of income in § 861, so how could he be genuinely liable?

Cryer continues investigating his liability, or lack thereof, by examining the more general conception of the federal government's taxing power. He starts by admitting that the "Supreme Court has on countless occasions described the taxing power of the federal government as 'all encompassing'".[3] But no one argues that an exception to that power doesn't exist in Article I § 9 cl. 5's prohibition of taxation of goods exported from any one of the States. Also, no one argues that the classification of taxes into direct and indirect doesn't qualify Congress's power to tax in some

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1 Cryer Memorandum, p. 39.

2 Cryer Memorandum, pp. 39-40.

3 "That the authority conferred upon Congress by § 8 of Article I … is exhaustive and embraces every conceivable power of taxation has never been questioned". — *Brushaber v. Union Pacific R.R.*, 240 U.S. 1, 12 (1916).

respects. So the general government's power to tax is not absolute. Given the need to strictly construe tax statutes, and given the obvious ambiguity of the income tax laws, it's reasonable to look at this great power more thoroughly to see what other exceptions there are.

Frankly, Cryer makes an error in his claim about how direct taxation works.[1] He claims that

> Congress was permitted to tax the public, but only *indirectly*. Any tax on person or property had to be imposed through the States, not directly upon any citizen. The States, not Congress, would then decide through what means and from what resources the tax … would be paid.

As indicated in the examination of the direct taxation acts of 1798, above, and by any close reading of those statutes, Cryer's description of direct taxation is not how it has actually worked in history. Something false in a narrative like Cryer's memorandum has the potential to surround the entire narrative with doubt. But because income taxation is a crucial aspect of the loose-constructionist, globalist arsenal, and is so anti-God and anti-human, it's reasonable to give Cryer the benefit of the doubt, as much as possible, and to entertain the possibility that this mistake did not infect seriously the rest of Cryer's memo. For the sake of getting a succinct, originalist view of income taxation, this is the approach this examination will take henceforth. Cryer believes that direct federal taxation is taxation that the federal government apportions to the States, so that each State can tax directly its citizens in whatever manner it chooses. But the historical evidence says unmistakably that after apportionment to the States, the federal government, and not each State, collected direct taxes from State citizens.

Cryer continues by claiming that indirect taxation is voluntary because it's avoidable by the citizen. He says, "Any tax upon an activity can be avoided by choosing not to engage in the taxed activity." Then he moves directly into talking about breathing. Breathing is an activity. It's not reasonable to think that any tax upon breathing could be avoided by not engaging in the taxed activity. Cryer concedes this. But he goes on to claim that because breathing is an unavoidable activity, it "would not be an indirect tax. While at least in theory a breathing tax could be imposed, it would have to be considered direct and apportioned among the States." — This appears to be muddled, arbitrary logic, based upon the mistaken belief that "Any tax upon person or property had to be imposed through the States, not directly upon any citizen." According to Cryer's view, the general government was not allowed to tax any citizen directly. This must be why he thinks a tax on

1 Cryer Memorandum, pp. 43-44.

breathing cannot be levied by the federal government, but CAN be levied by the State government. So in his view, as soon as the tax shifts from being avoidable through avoidance of the taxed activity, the tax must shift from being indirect to being direct, and it must shift from being leviable by the federal government to not being leviable by the federal government, except through the State's direct taxation of its citizens. This reasoning in no way arises out of the definitions of direct and indirect taxation given above, which are reliable definitions. So it appears that Cryer is propagating his misconceptions about the difference between direct and indirect taxation into the remainder of his narrative. Perhaps he has reasoning from case law that can justify his muddled logic. For the sake of showing income taxation to be outside God's **preceptive will**, this examination will continue trying to give Cryer the benefit of the doubt.

After making these claims about direct and indirect taxation, where these claims appear to be both factually erroneous and logically fallacious, Cryer starts examining cases for the sake of discovering more about federal taxing power. Legal precedent, through case law, is apparently where he got these ideas. The first case he examines is *Hylton v. United States*, 3 U.S. 171 (1796). This case concerns an act of Congress passed June 5, 1794, titled "An Act laying duties upon Carriages for the conveyance of Persons".[1] Daniel Hylton, having a number of passenger carriages presumably subject to the tax, refused to pay, claiming that the act was unconstitutional. "The argument turned entirely upon this point, whether the tax on carriages for conveyance of persons, kept for private use, was a direct tax? For if it was not a direct tax, it was admitted to be rightly laid. … But it was contended, that if it was a direct tax, it was unconstitutionally laid,"[2] because it had not been apportioned among the several States. Hylton contended that the tax on carriages did not fit the description of "Duties, Imposts and Excises" that needed to be "uniform throughout the United States".[3] Although the fundamental definitions of direct and indirect taxation given above, that in direct taxation the government taxes A directly, while in indirect taxation the government taxes A through intermediary B, are fundamentally reliable, they are made unreliable by the government's lack of clear thinking. The predicament faced by the court in *Hylton* can be seen by an excerpt from Justice Chase's opinion:

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1 **Statutes-at-Large**, Third Congress, Chapter XLV, pp. 373-375. — URL: https://www.loc.gov/law/help/statutes-at-large/3rd-congress/c3.pdf, retrieved 17 August 2018.

2 *Hylton v. United States*, 3 U.S. 171, 172 (1796). — URL: https://caselaw.findlaw.com/us-supreme-court/3/171.html, retrieved 17 August 2018.

3 U.S. Constitution Art. I § 8 cl. 1.

> As I do not think the tax on carriages is a direct tax, it is unnecessary, at this time, for me to determine, whether this court, constitutionally possesses the power to declare an act of Congress void, on the ground of its being made contrary to, and in violation of, the Constitution; but if the court have such power, I am free to declare, that I will never exercise it, but in a very clear case.[1]

Chase obviously had reservations about ruling an act of Congress unconstitutional. He demanded that the issues in the case be absolutely clear before going against Congress. He was convinced that the issues in *Hylton* were not clear enough for him to make such a stand. The reasons they were not clear were because of the ambiguity in the relationship between the direct-indirect distinction, on one hand, and the Constitution's demand that the former be apportioned and the latter be "uniform throughout the United States", on the other. The carriage tax was certainly direct in that the government went to Hylton and demanded that Hylton pay because Hylton owned the kind of carriages subject to the carriage tax. But none of the justices could see how such a direct tax could be "apportioned among the several States". As Chase said, "The rule of apportionment is only to be adopted in such cases where it can reasonably apply" (p. 174). Because the carriage tax could apparently not be apportioned in a reasonable way, it must NOT be a direct tax after all. So the court affirmed the decision of the Circuit Court, that the carriage tax was not a direct tax, but an indirect tax. So the issue of what rule the tax should follow became a much more prominent factor in determining the legal system's definitions of direct and indirect. So even though Cryer clearly erred in claiming that in historical direct taxation, the government did not impose the tax directly upon State citizens, he did not err by implicitly indicating that the court had promoted the rules of uniformity and apportionment far above the base definitions of direct and indirect in its evaluation of tax cases.

Cryer indicates that the *Hylton* court "distinguished between a tax on the ownership of property and one on the consumption (since carriages wear out) of the property, i.e., … [a tax on] avoidable activity".[2] It's true that Justice Chase said,

> It seems to me, that a tax on expence is an indirect tax; and I think, an annual tax on a carriage for the conveyance of persons, is of that kind; because a carriage is a consumable commodity; and such annual tax on it, is on the expence of the owner.[3]

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1 *Hylton*, p. 175.

2 Cryer Memorandum, p. 45.

3 *Hylton*, p. 175.

Cryer apparently reads Chase to mean that because carriages wear out, the wear is an avoidable expenditure that can be taxed as an indirect tax. Cryer's logic seems to go like this: A tax on property, in this case, carriages, is like a tax on breathing, because everyone needs property. But a tax on consumption, the wearing out of the carriage, is not, because one can avoid wearing out one's property by not using it. — In sympathy to Cryer, it's notable that Justice Paterson makes statements similar to Chase's, thereby confirming to some extent Cryer's position. Nevertheless, is Cryer's position strained?

Cryer indicates, correctly, that the income tax enacted in 1861 was generally considered to be an excise tax, and an indirect tax. He claims that this, combined with the somewhat flimsy evidence in *Hylton*, lead to the conclusion that, "A tax on property or person is a direct tax, requiring apportionment, and a tax on privileged or avoidable activities is an indirect tax, requiring uniformity."[1]

These considerations go some short distance towards discernment of limitations of the federal power to tax. Cryer goes further in this discernment by quoting Justice Swayne's opinion in *Farrington v. Tennessee*, 95 U.S. 679, 685 (1877):

> [E]very State has a sphere of action where the authority of the national government may not intrude. Within the domain of the State is as if the union were not. Such are the checks and balances in our complicated but wise system of State and national polity.

This idea is fundamentally a recognition that the general government has a different jurisdiction from the States. This idea is expressed in the Constitution itself at the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

These powers of the general government are enumerated later in Cryer's memorandum. It's useful to list them here to show that they are limited, and that the sources of income taxation may also be similarly limited, contrary to the grandiose vision of ***national*** and ***global consolidationists***:

> **Article I, § 8:**
>
> To lay and collect Taxes, Duties, Imposts and Excises
>
> To borrow Money
>
> To regulate commerce with foreign Nations, among the States and with Indian Tribes
>
> To establish uniform Rules of Naturalization

1 Cryer Memorandum, p. 45.

To enact Laws on Bankruptcy
To coin Money, regulate the value thereof and of foreign Coin
To fix the Standard of Weights and Measures
To provide for Punishment of counterfeiting
To establish Post Offices and post Roads
To make Patent and Copyright laws
To constitute Tribunals inferior to the supreme Court
To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations
To declare War, Grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water
To raise and support and regulate Armies and a Navy and to regulate the Militia
To call out the Militia
To govern the District of Columbia [*infra*]
To make laws "necessary and proper" to enforce the Constitution

Enabling Clauses:
To enforce 13th Amendment [*abolition of slavery*]
To enforce 14th Amendment [*equal protection of the law*]
To enforce 15th Amendment [*right to vote*]
To enforce 19th Amendment [*women's suffrage*]
To enforce 23rd Amendment [*prohibition of poll tax*]

Exclusive legislative authority:
Article I, § 8, cl. 17:

"To exercise exclusive Legislation in all Cases whatsoever, over such District [*of Columbia*] (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."

> **Article IV, § 3:**
>
> "The congress shall power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States …"
>
> ([*bracketed material*] added)[1]

In this list of enumerated powers, there are only two that are obviously outside the jurisdiction of the *secular religion*, those that pertain to the coining and regulation of money and the establishment of post offices and post roads. All the others tend to fit into the confines of the natural-rights polity, though strictly. The point of listing these is to show that the enumerated powers of the general government are limited and finite. That's the originalist's conception of the Constitution; whereas the loose constructionist's conception is indefinite and hard to confine. Given that the government's powers are limited and finite, it's unreasonable to think that its taxing powers are not similarly limited and finite, and that the 16th Amendment's "from whatever source derived" is not as unlimited as it appears on its face.

Cryer continues his search for the limits on federal taxing power by making the following statement:

> [J]ust as the State's power of taxation may not be exercised over those items within its borders where federal jurisdiction is supreme, the federal government's authority to tax may not be exercised over those items or activities over which the jurisdiction of the State government is supreme.[2]

As evidence supporting this claim, Cryer quotes from Chief Justice Taft's opinion in *Bailey v. Drexel Furniture Company*, 258 U.S. 20 (1922), which is also known as the "Child Labor Tax Case". The court's decision essentially nullified an act of Congress that taxed child labor. The court did this on the grounds that the act violated the 10th Amendment. Similar to the way *McCulloch v. Maryland* had nullified a State tax on the federal government's central bank, on the grounds that the federal government's subject matter jurisdiction was supreme in that case, the court in the Child Labor Tax Case nullified a federal tax on the grounds that the federal government was attempting to operate outside its lawful jurisdiction by taxing something outside its subject matter. Chief Justice Taft wrote a similar opinion nullifying a federal tax on grain contracts in *Hill v. Wallace*, 259 U.S. 44 (1922). Taft distinguished earlier cases that confirmed Congress's power to tax, from these two 1922 cases that limited it, on specific grounds:

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1 Cryer Memorandum, pp. 53-55.

2 Cryer Memorandum, p. 50.

> We … distinguish between cases … in which it was held that this court could not limit the discretion of Congress in the exercise of its constitutional power to levy excise taxes because the court might deem the incidence of the tax oppressive or even destructive. It was pointed out that in none of those cases did the law objected to show on its face … detailed regulation of a concern or business wholly within the police power of the State, with a heavy exaction to promote the efficacy of such regulation. — *Hill v. Wallace*, 259 U.S. 44, 67 (1922)

So if Congress's propensity to tax what it deems worthy of destruction, like whiskey and child labor, is focused in its verbiage on procuration of tax monies, and not on social engineering, then the supreme Court will look the other way when such acts come up for adjudication. But if Congress gets too meddlesome in the State's jurisdiction, *i.e.*, its more *municipal police powers*, then, at least according to Taft, the tax act needs to be repudiated based on the 10th Amendment. In Cryer's words, "the taxing authority of the federal government ends where the regulatory authority of the States begin".[1] Cryer claims that if the federal government taxes activities within its subject matter, specifically things just listed as within the Constitution's subject matter, then it would be within its jurisdiction in doing so. "That it may tax any and every privileged activity within those lands over which it has exclusive legislative jurisdiction is equally apparent."[2] But such lands do not include the territorial jurisdictions of the States, because the federal jurisdiction within the States is not exclusive or primary.

Cryer makes it clear that beyond Congress's power to tax within its subject matter, and beyond its power to tax within its exclusive territorial jurisdiction, Congress also has "power to lay and collect duties, imposts, and excises".[3] But duties and imposts pertain to foreign trade, and are therefore irrelevant to Cryer's case. So Cryer focuses on the excise. He gives definitions of excise, one from an ordinary dictionary and one from a law dictionary. But the definition most relevant comes from *Flint v. Stone Tracy Co.*:

> Excises are "taxes laid upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations, and upon corporate privileges." Cooley, Const. Lim., 7th ed., 680. — 220 U.S. 107, 151 (1911)

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1 Cryer Memorandum, p. 53.

2 Cryer Memorandum, p. 55.

3 Cryer Memorandum, p. 57.

An excise is obviously the prototypical indirect tax. This leads Cryer to the preliminary conclusion that there are two fundamental arenas of taxing authority that are both internal and indirect:

> 1. Taxing authority that is inherent in sovereignty, i.e., "Co-extensive with jurisdiction" (*McCulloch*, *supra*);
> 2. Authority to lay and collect excises "upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations, and upon corporate privileges." (*Flint*, *supra*).[1]

Cryer goes on to show that there is a "third area of excise of unknown ancestry." It is an excise "on monies payable to nonresident aliens and foreign corporations". Cryer's conclusion regarding limitations on federal taxing power is that "every activity outside those three areas of taxation authority are, in Marshall's words, ***exempt*** from federal taxation".[2]

By going through this process, Cryer has proven that there are definite limits to federal taxing power. Based on this fact, it must also be true that the 16th Amendment's "from whatever source derived" necessarily exists within these limitations on federal taxing authority that pre-existed the 16th Amendment, and that the 16th Amendment did nothing to change. — The next issue Cryer addresses is whether the income tax is a direct tax or an indirect tax. According to Cryer, and to originalists in general, the direct tax "can be levied on virtually anything". But the excise can only be laid on "manufacture, sale or consumption of commodities within the country", licenses, and corporate privileges (*Flint*, p. 151).

To ascertain whether the income tax is direct or indirect, Cryer notes the existence of the income tax during the era of the War Between the States. He notes that the issue of whether the income tax was direct or indirect had not undergone any significant challenge in regard to those statutes. But when a new income tax statute was passed in 1894, it was challenged on the basis that it didn't conform to distinctions between direct and indirect taxation:

> In *Pollock v Farmers' Loan and T. Co.*, 157 U.S. 429 (1895), the Supreme Court held that the Income Tax Act of 1894 imposing a tax on income from real estate and investments was a direct tax, and, therefore invalid for want of apportionment. The basis of the ruling was that the tax on revenues from real estate was a burden on the ownership of the real estate, and, hence, a tax on the property itself. The decision that the tax was direct turned

1 Cryer Memorandum, p. 59.

2 Cryer Memorandum, p. 61.

> on the source of the income, rather than the income itself and was not in agreement with prior Supreme Court reasoning, such as in *Hylton*, *supra*.[1]

During the "progressive era" at the beginning of the 20th century, "progressive" politicians like Woodrow Wilson were committed to following Marx. They were therefore committed to implementing income taxation. They therefore needed to find a way to circumvent the supreme Court by repudiating *Pollock*. They got their wish in 1913 with the passage of the 16th Amendment. In the same year, Congress passed an income tax statute, "imposing a tax on net income, 'from whatever source derived.'"[2]

The first supreme Court challenge to the 1913 Income Tax Act was in *Brushaber v. Union Pacific Railroad Co.*, 240 U.S. 1 (1916). In *Brushaber*, Chief Justice White used the opinions in *Hylton v. United States* (1796) as a benchmark in explaining the post-1913 circumstances. In *Hylton*,

> It was held that the tax came within the class of excises, duties and imposts and therefore did not require apportionment, and while this conclusion was agreed to by all the members of the court who took part in the decision of the case, there was not an exact coincidence in the reasoning by which the conclusion was sustained. Without stating the minor differences, it may be said with substantial accuracy that the divergent reasoning was this: On the one hand, that the tax was not in the class of direct taxes requiring apportionment because it was not levied directly on property because of its ownership but rather on its use and therefore an excise, duty or impost; and on the other, that in any event the class of direct taxes included only taxes directly levied on real estate because of its ownership. … [T]he various acts taxing incomes derived from property of every kind and nature which were enacted beginning in 1861 and lasting during what may be termed the Civil War period … were classed under the head of excises, duties and imposts because it was assumed that they were of that character inasmuch as although putting a tax burden on income of every kind … they were not taxes directly on property because of its ownership. — *Brushaber*, 240 U.S. 1, 14-15 (1916)

There are two critical points in this passage. One point is the distinction between tax "levied directly on property because of its ownership" and tax levied on property because of its use. Chief Justice White and those concurring with his opinion

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1 Cryer Memorandum, p. 62.

2 Cryer Memorandum, p. 62.

considered tax on property "because of its ownership" to be rightly in the direct class, and tax on property because of its use to be rightly in the indirect class. The second point is that White and company considered the income tax of 1913 to be an excise, because of the precedent set during the "Civil War period". Although these two points are important, and they clarify Cryer's reasoning in regard to the distinction between direct and indirect, they are not the core of the *Brushaber* opinion about income taxation.

In *Brushaber*,

> Chief Justice White, who had dissented in Pollock, wrote for the Court, holding that the Sixteenth Amendment did not confer any additional authority to tax and that its sole purpose and effect was to preclude the consideration of the source of income in order to reclassify the tax as a direct tax, requiring apportionment.[1]

It's crucial to recognize that according to *Brushaber*, the 16th Amendment gave Congress no new power to tax, no "additional authority to tax". It's also crucial to recognize that numerous decisions in lower-level courts in the federal judiciary have not recognized this simple fact, and hold that *Brushaber* did numerous other things. But in spite of political hackery in the judiciary since *Brushaber*, the following quote of Chief Justice White makes *Brushaber*'s central point obvious. After quoting the 16th Amendment, White says the following:

> It is clear on the face of this text that it does not purport to confer power to levy income taxes in a generic sense – an authority already possessed and never questioned – or to limit and distinguish between one kind of income taxes and another, but that the whole purpose of the Amendment was to relieve all income taxes when imposed from apportionment from a consideration of the source whence the income was derived. — 240 U.S. 1, 17-18 (1916)

The whole purpose of the amendment, from the judiciary's perspective, was to relieve income taxes from the rule of apportionment, which rule had been demanded in *Pollock* based on the source of the income. With this point duly emphasized, Cryer goes on to quote White again to emphasize that "the Court [did not] recognize a third class of taxes, a direct tax not requiring apportionment":[2]

> We are of opinion … that the confusion … arises from the conclusion that the Sixteenth Amendment provides for a hitherto unknown power of taxation, that is, a power to levy an income

1 Cryer Memorandum, p. 63.

2 Cryer Memorandum, p. 64.

> tax which although direct should not be the subject to the regulation of apportionment applicable to all other direct taxes. And the far-reaching effect of this erroneous assumption will be made clear by generalizing the many contentions advanced in argument to support it … — 240 U.S. 1, 10-11 (1916)

So no "additional power of taxation" inherently negates the idea that income taxation could be simultaneously direct and unapportioned. Such a category of taxation doesn't exist in the Constitution, and the 16th Amendment certainly did not create this "third class of taxes". Therefore, by a process of elimination, if nothing else, *Brushaber* held emphatically that income taxation is an excise. — Cryer continues citing several supreme Court cases subsequent to *Brushaber*, each of which re-emphasized this core opinion in *Brushaber*: *Stanton v. Baltic Mining Co.*, 240 U.S. 103, 112-113 (1916); *Peck & Co. v. Lowe*, 247 U.S. 165, 172-173 (1918); and *Eisner v. Macomber*, 252 U.S. 189, 206 (1920). So, "There can be no doubt, the income tax is an indirect tax … and there can be no doubt that the Sixteenth Amendment did not in any way, shape or form enlarge or enhance the taxation power of Congress."[1]

Cryer's conclusion from all of these federal authorities in regard to the 16th Amendment is this:

> It is … subject to the same limitations on taxing authority that are established hereinabove, and that is [(i)]that it cannot tax person or property without apportionment (Article I, § 9, cl. 4), [(ii)]nor any activity that is without either the scope of federal legislative authority (*McCulloch* and *Farrington*, *supra*), [(iii)] outside the scope of excise (*Flint*, *supra*) or [(iv)]monies owed to nonresident aliens and foreign corporations (*Railroad Col* and *Erie R.R.*, *supra*). [(v)]Nor does the power to tax by excise permit the federal government to tax activities that are solely within the realm of the State jurisdiction (*Bailey* and *Hill*, *supra*).[2]

If one does not adhere to the *secular religion*, and does not believe that taxation is rigorously consensual, and if one instead considers oneself to be an originalist who believes in the general government's traditional power to tax, then all of these are important points. From the originalist's perspective, they are also true, with the possible exception of the first point, that the 16th Amendment "cannot tax person or property without apportionment". It's certain that the 16th Amendment income taxation can be laid and collected, from the originalist perspective, without apportionment, and therefore without being held up as a direct tax. But part of Cryer's argument on this front was that the federal government could not directly

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1 Cryer Memorandum, p. 66.

2 Cryer Memorandum, p. 66.

tax person or property unless it did so by apportionment, with each State collecting the direct tax instead of the federal government. As shown, actual direct tax statutes prove that this argument is wrong, because in regard to each of those statutes, of 1798, 1813, 1815, 1816, 1861, and 1862, agents of the general government, not of the States, actually did the laying and collecting. But this factual error on Cryer's part does not entirely repudiate his claim in regard to the first point. This is because he showed evidence in supreme Court case law that the supreme Court recognized a distinction between taxing person and property, on one hand, and taxing the use of property, on the other. The court has held that the former is direct and must follow the rule of apportionment, while the latter is indirect. Because Cryer's first point can stand on supreme Court jurisprudence regardless of his error in regard to direct taxation statutes, all five of these points stand as true from the originalist perspective.

These five points constitute the legal, human-law core of Cryer's argument against the federal government's indictments for tax evasion and willful failure to file. After making these five crucial points, Cryer enters into arguing that his "activities and revenues are exempt from federal excise taxation as being outside the taxing authority of the federal government".[1] To emphasize this point, he once again quotes Chief Justice John Marshall:

> It is obvious, that it [the power of taxation] is an incident of sovereignty, and is co-extensive with that to which it is an incident. All subjects over which the sovereign power of a state extends, are objects of taxation; but those over which it does not extend, are, upon the soundest of principles, exempt from taxation. This proposition may almost be pronounced self-evident.
>
> The sovereignty of a state extends to everything which exists by its own authority, or is introduced by its permission … — *McCulloch v. Maryland*, 17 U.S. 316, 429 (1819)

In other words, Cryer's "income" is outside the subject matter jurisdiction of the federal government, and is therefore outside its power of taxation, and exempt from taxation. Cryer emphasizes that Marshall's statement is still the law of the land. He, Cryer, emphasizes that he is

> not within the sovereign power of the federal government and, therefore, both he and his revenues "are, upon the soundest principles, exempt from taxation" by the federal government.
>
> Defendant, Mr. Cryer, … is not engaging in interstate commerce, he is not exercising any corporate privileges, he

1 Cryer Memorandum, p. 68.

> does not work or reside within the federal jurisdiction … Nor is he engaged in the manufacture or sale of commodities and his occupation requires no license from the federal government. And … he is not a nonresident alien or foreign corporation to whom a person in the United States owes money.[1]

In short, applying all the principles encompassed by the five points leaves Cryer and his activities and revenue outside the taxing authority of the general government. In his originalist view, he and his activities are exclusively within the "sole and exclusive jurisdiction of the State".

After all this argumentation based on Constitution, statutes, regulations, and case law, like every true originalist should, Cryer argues based on fundamental principles found in the Declaration of Independence. The "fundamental rights" cited there

> are derived from Natural Law, "the Laws of Nature and of Nature's God" … Such rights are inalienable and inviolable, and are not privileges that can be subject to a tax on privileges … [T]he federal government's sovereignty cannot extend to the exercise of such rights. The right to work and engage in one's chosen occupation is one of those fundamental rights.
>
> A person's freedom and ability to work is his own property, and that right cannot be taken, bought, sold or bartered away, at least not since the 13th Amendment was adopted.[2]

After making this absolutely true statement, Cryer cites and quotes numerous federal judicial opinions confirming his claim. Most of these opinions cite the Declaration or the Bill of Rights, and most predate the advent of the administrative state in the 1930s. Cryer also notes that the *Brushaber* opinion did not establish that all income taxation was inherently indirect. The opinion left the door open to challenges to federal income taxation based on the principle that "not all income was taxable by the federal government".[3] Cryer concludes this particular section of his memorandum by emphasizing that the fed's "income" taxation of his revenues in the given tax years "is clearly in violation of the Fifth Amendment in that it deprives and abridges an inviolable, fundamental right, and a violation of Article I, § 9, cl. 4".[4]

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1 Cryer Memorandum, p. 69.
2 Cryer Memorandum, p. 74.
3 Cryer Memorandum, p. 85.
4 Cryer Memorandum, p. 87.

Cryer finishes the meat of his memorandum by focusing on the meaning of income, revenue, wages, profits, gains, salaries, fees, and the like, and the distinctions between them.

> [T]he only conclusion we can reach … is that any tax that taxes 100% of wages personally earned has to be taxing not only the gain the wage-earner realized, if any, but also the asset that the wage-earner gives up in exchange for those wages, salaries and fees [(assets like time and labor, expense of personal energy)].
>
> It is therefore respectfully submitted that insofar as the government purports to apply the income tax law as imposing tax on wages, salaries, and fees personally earned, it is in conflict with Article I, § 9, cl. 4, of the Constitution,[1] and is, as so applied, unconstitutional and not entitled to enforcement.
>
> Based upon recent cases involving claims that wages are not income there is an apparent common misconception, an erroneous understanding or belief, that the issue of whether wages, salaries and fees personally earned are "income" within the meaning of the income tax law and particularly, "within the meaning of the Sixteenth Amendment", has been settled. It has not.[2]

This "misconception" is not merely held by ordinary working people. It is common among lawyers, among high-ranking public and private officials, and is even deliberately propagated by schools, mass media, *etc*. that are controlled by globalists.

Tommy Cryer's criminal case went like this: After Cryer sequentially submitted to the court four motions to dismiss, each based on different claims against the federal government, and each rejected on various grounds, the prosecution dropped the two counts of tax evasion (26 USC § 7201), leaving two counts of willful failure to file (26 USC § 7203), one count for each of the two tax years at issue. After this reduction in charges, the jury acquitted him of both counts of willful failure to file. The IRS responded by insisting that he pay taxes, interest, and penalties for the two years, which amounted to over $1.7 million. Cryer filed a petition with the U.S. Tax Court, claiming that he owed the IRS nothing. Cryer died before the civil suit could come to trial. There is no evidence that the Federal District Court made any attempt to consider any of the legal arguments contained in the memorandum. These days, this is largely the fate of all cases based on such arguments, because the IRS has classified practically every challenge to its authority as "frivolous", and the

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1 "No capitation, or other direct, Tax shall be laid unless in Proportion … ".

2 Cryer Memorandum, pp. 106-107.

courts, being held mostly by political hacks, are mostly too afraid to not comply with whatever the IRS wants. Whether the IRS have the law on their side when they make this claim that originalists are frivolous depends upon whether one is talking about *de jure* law or *de facto* law. It's certain that they have the *de facto* government's raw power on their side.

It's critical to remember that all the government's talk about "taxable" "income" is talk about someone else's property. It's talk about how much of the other's property the state will steal under the pretense that it's not theft. This pretense is part of the shenanigans of the protection racketeers dressing themselves up like little gods who need to be allowed to steal with impunity.

(c) Loose-Constructionist View of Income Taxation: Cryer's defense, as manifest in his memorandum, has flaws that should be obvious to anyone who believes in the natural-rights polity. Foremost among these is his acquiescence to the Lockean standard of consent. The Lockean standard, which was the default standard among the framers, holds that one can be subject to taxation by way of an ill-defined conception of consent, a conception that makes one liable even though one is not liable under the natural-rights polity's more rigorous conception.

Cryer's second most profound error pertains to his conception of direct taxation. His conception is based on a line of judicial reasoning that starts in the *Hylton* case in 1796. All subsequent opinions about the distinction between direct and indirect taxation appear to have their roots in *Hylton*. *Hylton* was decided two years before Congress's first direct-taxation statute was enacted. *Hylton* was therefore influenced by the justices' unfounded speculations about how direct taxation might work. The strict constructionists of that era, being heavily influenced by the anti-federalists who were afraid of federalist encroachment on State sovereignty, developed a conception of direct taxation that was very similar to the way requisitions operated under the Articles of Confederation. But this was mostly wishful thinking, evidenced by the fact that the direct taxation statutes of 1798 did not function at all like the requisitions. But this wishful thinking has continued even into the 21st century. The result is that 21st-century originalists rely too heavily on the distinction between property and person, on one hand, and privileged and avoidable activities, on the other. Taxes on property and person are conceived to be subject to apportionment among the several States, and are therefore conceived to be direct taxes. Taxes on privileged and avoidable activities are conceived to be subject to the rule of uniformity, and are therefore conceived to be indirect taxes. These originalist misconceptions are reinforced to some extent by supreme Court opinions in which justices have been attempting to protect the natural rights of individuals in some respects. But

once the Lockean standard of consent has been accepted as the default, it's inevitable that the general government will eventually assume that they have the power to tax whatever they want. That is the juggernaut that Cryer and other originalists have been up against in regard to federal taxation.

Cryer obviously poured a lot of time and energy into his defense. The fed's probably dropped the tax evasion charges because an acquittal from a Cryer-sympathetic jury would have damaged future cases prosecuted on the basis of tax evasion. But the IRS could handle acquittal on the willful-failure-to-file charges by doing exactly what they did, which was insist after the trial that Cryer pay the principal, interest, and penalties for those two contested years. This case pitted the best of originalist arguments opposing overblown income taxation, against the most statist arguments that the loose-constructionist IRS has. The federal government showed the power of statism at every essential point in the case. When Cryer's first motion to dismiss insisted that the indictment neglected to allege the "affirmative acts" necessary to tax evasion, the court denied it. But the prosecution did eventually drop the tax evasion charges. When Cryer's second motion to dismiss claimed that the Secretary of the Treasury had not complied with the Administrative Procedures Act by failing to publish important notices in the Federal Register, the court denied the motion. There is evidence that this claim is true, but the federal government has devised ways to circumvent the APA's administrative requirements. When Cryer's third motion to dismiss insisted that Cryer had not created a trust for the sake of evading taxes, the court denied it. Finally, when Cryer's fourth motion to dismiss was based on his claim that revenue from his practice of law in Louisiana was not "taxable income", as argued in the memorandum, the court denied it, and apparently gave no meaningful consideration to the valid issues that the memorandum raises. The prosecution classified all the arguments in the memorandum as "frivolous" "tax protester" arguments. The prosecution simultaneously cited several federal cases to reinforce their classification as "frivolous": (i)*Commissioner v. Kowalski*, 434 U.S. 71 (1977); (ii)*Lonsdale v. Commissioner*, 661 F.2d 71, 72 (5th Circuit, 1981); (iii)*Reading v. Commissioner*, 70 Tax Court 730 (1978), affirmed by 614 F.2d 159 (8th Circuit, 1980). These all negate natural-rights-friendly conceptions of "income", and tend to give broad, loose interpretation of the word "income" as it's used in the 16th Amendment.

The treatment that Cryer received from the IRS is practically identical to the treatment that the IRS gives to anyone who opposes them. The loose-constructionist, ***national consolidationist***, ***global consolidationist*** view of government has become utterly dominant over revenue-collection procedures. Practically every argument natural-rights advocates have raised based on constitutional, statutory, or regulatory

grounds, has been systematically negated. For the sake of convincing the reader that this is true, showing the reader that circumstances are now worse than the circumstances the founders fought against, it's reasonable to present here a few samples from a litany of anti-tax arguments and loose-constructionist responses.

Some people have claimed that the 5th Amendment, self-incrimination clause, "No person … shall be compelled in any criminal case to be a witness against himself", is a lawful reason to not file income tax returns. The government's position on this is to cite Justice Oliver Wendell Holmes, Jr.'s opinion about this claim in *United States v. Sullivan*, 274 U.S. 259, 263-264 (1927). Holmes did a good job of diluting this clause of the 5th Amendment, and the courts up to the present follow him in that. The natural-rights position is that people in general cannot be compelled to contract with others. Filing a return is evidence of an underlying contract. People have an unalienable right to refuse, regardless of what Holmes and his acolytes may claim.

Another 5th Amendment protection that should protect people from confiscatory taxation is the Due Process Clause, "No person shall … be deprived of life, liberty, or property, without due process of law." The government's classic counter to this argument appears at *Brushaber*, 240 U.S. 1, 24 (1916). The argument given by Chief Justice White in that case is that the Constitution is not self-contradictory. It does not give taxing power to Congress on one hand, and then take it away on the other. The natural-rights response to this is that, yes, White is right in claiming that the *metaconstitutionally* interpreted Constitution does not conflict with itself. But he's wrong in assuming that Congress's taxing power goes beyond making requisitions. The taxing powers that go beyond requisition have never been lawfully allocated; they need to be abandoned as public policy; and they need eventually to be repealed through constitutional amendment. Those features of the Constitution are necessarily negated by the *metaconstitution*, similar to the way slavery was necessarily negated, and the way government intervention in the market for the sake of administering post offices and post roads, coining money, and regulating money, are each necessarily negated.

Another 5th Amendment protection that should protect people from confiscatory taxation is the Takings Clause, "nor shall private property be taken for public use, without just compensation". It's a legitimate question: "Where is my just compensation for this income taxation?" The loose constructionists again turn to *Brushaber* to counter this argument, 240 U.S. 1, 24-25 (1916). White holds that there is a difference between "the exertion of taxation" and the "confiscation of property". This is basically a long-standing rationalization for the existence of statism, the belief that the state has the right to steal simply because it's the state. This is a perpetuation of the ruler-ruled bifurcation that has always marked statism.

The natural-rights counter to such loose constructionism is to say that theft is theft, regardless of whether it's done by the state under the guise of taxing power, by the state under the guise of confiscation of property with "just compensation", or by a mugger in a dark alley. Just compensation doesn't excuse it. It's merely lipstick on a pig. The loose constructionists selectively use *Brushaber* to promote their pet myths, while ignoring *Brushaber*'s capacity to curtail income taxation.

There are numerous federal cases that justify income and other forms of taxation on the grounds that the courts are following due process of law while they exercise confiscatory taxation. This is clearly a traditional, statist conception of due process. Due process that's genuinely based on natural rights cannot rationally allow such taxation, and therefore cannot so blithely sidestep the 5th Amendment's Due Process Clause. The reason this is true can be clarified by examining the way that tax resisters and tax protesters have cited the 13th Amendment.

As already indicated, there are a number of things included in the original Constitution that were inherently jurisdictionally dysfunctional, and that thereby existed as rationally inconsistent features of the highest *secular social compact* in the land. One was slavery. Another was confiscatory taxation. Others were the powers to coin money and regulate the value thereof, and the powers to establish post offices and post roads. Only one of these sources of rational inconsistency and jurisdictional dysfunction has been corrected since the Constitution was ratified. That was by way of the 13th Amendment, which says, "Neither slavery nor involuntary servitude … shall exist within the United States, or any place subject to their jurisdiction." That amendment got rid of slavery, but it certainly did not get rid of confiscatory taxation. The argument that income taxation specifically is "involuntary servitude" has been used to fight the revenuers, most notably in *Porth v. Broderick*, 214 F.2d 925 (10th Circuit, 1954). Even though that's not a supreme court case, the case has been cited nevertheless in practically every federal court that has examined this argument. The argument was ruled without merit and frivolous in *Porth*. So even though the argument is correct, because confiscatory taxation of any kind, including income taxation, is, in fact, involuntary servitude, the courts have denied this obvious fact. They have thereby perpetuated this particular kind of slavery, the same way nation states prior to the 19th century generally perpetrated the existence of slavery. So anyone who uses this argument in federal court, even though it's true, will not receive any sympathy from the court.

One of the arguments that tax resisters and protesters have used against paying income taxes is that such presumptive tax payers have done nothing to make themselves liable. This is essentially a big question to the courts: "Given that the American system of government is based on the so-called 'social contract', what

evidence do you have to prove that I ever voluntarily consented to participate in this contract?" In actual cases, this question may appear in a variety of permutations. For example, in *Lovell v. United States*, 755 F.2d 517, 521 (7th Circuit, 1984), the Circuit Judges state the following:

> Plaintiffs argue first that they are exempt from federal taxation because they are "natural individuals" who have not "requested, obtained or exercised any privilege from any agency of government." This is not a basis for an exemption from federal income tax. … All individuals, natural or unnatural, must pay federal income tax on their wages, regardless of whether they receive any privileges from the government. Plaintiffs also contend that the Constitution prohibits imposition of a direct tax without apportionment. They are wrong; it does not.

The court makes at least two important points. (i)The court never explains how these "natural individuals" were converted into participants in a system to which they clearly wish they were not party. Without this evidence that they are indeed party, the only reasonable assumption is that they are being forced to participate. They are clearly being forced to give their time, energy, and money to the parasitic government without receiving anything that they value in return. The court merely tells them, EVERYBODY MUST PAY. That's no way to run a rational, just judicial system. (ii)In response to the plaintiff's claim that "the Constitution prohibits imposition of a direct tax without apportionment", the court simply says, WRONG. This is in spite of the fact that the supreme Court in *Brushaber* clearly affirmed that the 16th Amendment did not create a new taxing power that would allow a "direct tax without apportionment". This shows that these lower-level federal courts are ignoring this fundamental finding in *Brushaber*, and are distorting the Constitution in the process. There is any number of explanations for why the courts are doing this. But there is one explanation that has more explanatory power than the others, and it has to do with President Roosevelt's "New Deal".

Lovell has been cited massively by the federal judiciary since 1984, showing that such erroneous opinions about income taxation are spreading like fungus throughout the American judiciary. It's not just *Brushaber* that's being arbitrarily ignored. There are numerous federal cases, like *Stanton v. Baltic Mining* (1916), *Tyee Realty Co. v. Anderson* (1916), *Peck & Co. v. Lowe* (1918), *Eisner v. Macomber* (1920), and numerous others, that are old income tax cases that are simply being ignored, not overruled. There is apparently an unspoken policy in the courts to do so. This shows that income taxation follows a pattern with other collectivist legislation. Because the supreme Court prior to 1937 had ruled unconstitutional much of President Franklin Roosevelt's collectivist legislation, Roosevelt submitted

a Court Reorganization bill to Congress to pack the court with people sympathetic to his agenda.[1] The mere threat of this "court packing plan" caused some justices to resign, and others to conform to what Roosevelt wanted. From then forward, much legislation that was rationally unconstitutional was treated as constitutional. This applies to income taxation, and it explains why loose constructionists get away with ignoring opinions that don't fit the loose-constructionist agenda.

With the revival of strict constructionism under the name, originalism, during the 1980s, there has been a new tendency among people who hate the income tax to rely on what are essentially States' rights arguments. The statists sometimes call these cases "Clause 17" cases because these cases depend heavily upon Article I § 8 cl. 17, which describes Congress's exclusive power over the District of Columbia, territories, and lands ceded by States to the federal government, which is what Justice Kennedy has called the "federal zone".[2] A representative judicial description of this argument appears in *United States v. Sato*, 704 F.Supp. 816, 818 (District Court, Northern District of Illinois, 1989):

> Defendants argue that Clause 17 limits the legislative power of Congress such that the only geographical areas over which Congress may legislate, or may exercise its power of taxation, are those areas described in Clause 17. This position is contrary to both the natural reading of the Constitution and the case law.

This is yet another instance in which the federal judiciary has closed its eyes, ears, mind, and heart to the cries for relief from the people who come to them for justice. It may be true that Clause 17 doesn't limit the taxing powers of Congress to the federal zone, based both on a rational reading of the Constitution and the case law. But these readings are not "natural" because they do not conform to the natural law. They really don't even conform to natural law as it appears in the Declaration, because the Declaration indicates plainly that taxation is consensual. The *metaconstitution*'s rigorous definition of consent indicates that Congress has no power of confiscatory taxation whatever. Under the biblical prescription of global human law, this makes both the courts and Congress criminal under a *de jure* definition of criminality.

This description of stonewalling by the judicial system to protect its power of confiscatory taxation could go on, and on, and on. It gets to be far outside the scope of this booklet to continue. Suffice it to say that it is an aspect of the loose-constructionist, ***global consolidationist*** scheme, which needs to be fought on every

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1 Porter, "Article I § 8 clause 1", **Theological Inventory of American Jurisprudence**. — URL: http://www.bjp-tiaj.net/0_TIAJ/0_2_1_0_Art_I_Sec_8_Cl_1.htm#CourtPackingPlan, retrieved 7 September 2018.

2 *United States v. Lopez*, 514 U.S. 549, 583 (1995).

front, by every appropriate means. To conclude this short examination of loose-constructionist views of income taxation, it seems appropriate to quote Peter Eric Hendrickson, a dedicated originalist challenger of income taxation:

> The 'income' tax scheme is a con benefiting from, and relying upon, all of these weaknesses and flaws of human nature and liberal political systems.
>
> It is not necessary to identify the scoundrels who first conceived of … the mass deception in order to recognize the venal interests perfectly willing to exploit and expand it, once established. These interests … all benefit from the con, and do indeed form a conspiracy, but not a hard, cold and calculated conspiracy. Rather, it is a soft and loose conspiracy—after the fashion of a parasitic infestation. Each individual parasite isn't necessarily aware of the activities of its fellows, but each in undirected concert contributes to the destruction of the host.[1]

What Hendrickson describes here is the parasitism of the Babel-builders. Such parasitism often clothes itself in official garb, like the black robes of judges and justices. Such parasitism also clothes itself in rationalizations for the continuation of statism and confiscatory taxation. An example of such rationalizations was provided by Justice Oliver Wendell Holmes, Jr., who said, "Taxes are what we pay for civilized society", *Compania General de Tabacos de Filipinas v. Collector of Internal Revenue*, 275 U.S. 87, 100 (1927).

> Fatuous declarations by the likes of Oliver Wendell Holmes Jr. notwithstanding, taxes are not "the price we pay for civilization". Nazi Germany had taxes, and plenty of them; as has had every other barbaric regime throughout history. The inconvenience attendant upon scrupulous respect for the rights of our neighbor, including his right to his property and the fruits of his labor, is the price we pay for civilization.[2]

Income taxes are the price Americans pay for tyranny.

Income taxation has been sold largely on the basis that it is "progressive", and that "progressive" taxation is necessary. This claim to necessity is based on the belief that there is something fundamentally wrong with capitalism. But there is nothing fundamentally wrong with capitalism. There is something fundamentally wrong with the interface between the otherwise free market and jurisdictionally dysfunctional government. The core problem is not in the economic system. The core problem is in the legal and governmental system that intervenes in numerous ways in the

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1 Hendrickson, **Cracking the Code**, p. 95.

2 Hendrickson, **Cracking the Code**, pp. 99-100.

otherwise free market, and thereby turns it into some kind of hyphenated breed of capitalism. — This problem with governmental corruption of the free market starts with individual choices. There's a verse in the *Torah* that speaks to this issue: "You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice," (Exodus 23:2, **ESV**). This verse has often been interpreted to apply to judges. As such, it is certainly a warning to judges to avoid following precedent too closely. But it is also a warning to every human being, to follow truth and good conscience rather than a mob.

(d) Taxpayer Identification Numbers: Close to the core of this corruption of the market-place by the jurisdictionally dysfunctional government is 26 USC Subtitle C, "Employment Taxes". By way of this subtitle, entrepreneurs and business people, *i.e.*, employers, have been forced to make a choice between continuing in business by complying with the government mandate that they be intermediaries between the government and the tax payer, or to go out of business. The same way sellers are the remitters but not the tax payers in sales taxation, employers are the remitters but not the tax payers in employment tax withholding. But this is not the worst part of this scheme. The Book of Revelation best expresses the worst part.

Referring to the actions of the second beast, Revelation indicates that

> [I]t causes all, both small and great, both rich and poor, both free and slave, to be marked in the right hand or the forehead, so that no one can buy or sell unless he has the mark, that is, the name of the beast or the number of its name. This calls for wisdom: let the one who has understanding calculate the number of the beast, for it is the number of a man, and his number is 666.
>
> (Revelation 13:16-18; **ESV**)

There's no way this booklet should **exegete** this passage thoroughly within this context, but it's fitting to do a partial **exegesis** of it so that the reader knows how it applies to the modern scourge. This author largely follows R.C. Sproul's partial preterism.[1] Sproul's views about eschatology in general provide a reliable context for understanding this passage from Revelation specifically. Following Sproul's lead, it's believed that "666" stands for the emperor Nero, who was commonly known as "the beast" even while he was alive. So this prophecy was partially fulfilled in the 1st century. — It's imperative to understand that statism has an inherent inclination

1 R.C. Sproul, **The Last Days According to Jesus**, 2015, Baker Books, Grand Rapids, Michigan. — URL: https://www.ligonier.org/learn/series/last_days_according_to_jesus/, video teaching series retrieved 3 September 2018.

towards controlling the free market. At its extreme, this inclination manifests as control of buying and selling. That means that this "mark of the beast" identifies a syndrome. It's a syndrome in which there is a propensity of government to grow so out of control that it takes over the economy so much that one cannot buy or sell without its permission. The "mark of the beast" is the government's license, distributed as it sees fit to the population, to buy and sell. It's the government's mark of approval for buying and selling under totalitarian conditions. So the "mark of the beast" is also an identifier for this syndrome, this propensity that exists in all statist regimes. During this 21st-century era, the beast is global government. To be more specific, it is the spirit that moves humanity towards government that is so intrusive that one cannot buy or sell without the government as a third party to the transaction. Nero's Rome was certainly inclined to insert itself into every economic transaction for the sake of Rome's power. But focusing on Nero is misleading because it's too specific. There is a general tendency of human government to gain more power than it deserves, and to become more controlling than it should be. This generalization applies to human government at every stage of human history in which there is an identifiable government. At every such stage the beast is such excessive government. At every such stage, the intrusion of the government, as a third party, into ordinary, everyday buying and selling, is accompanied by this mark of the beast.

Under the 21st-century American regime, nine-digit numbers are the most obvious manifestation of this mark-of-the-beast syndrome. The more of a stranglehold the tyranny gets over buying and selling, the more this mark of the beast manifests itself as implantable RFID chips, bar codes, *etc.* Even so, the fact that it's extremely difficult to do banking, to find employment, or even to start and run a business, without "taxpayer identification numbers" (TINs) and other government-issued licenses and permits, should be a sign to everyone that the mark of the beast has been manifesting itself in American culture for a long time. Before the completion of this subsection's examination of the statuses of in-the-system and out-of-the-system natural persons, it's crucial to examine these marks, these TINs, in more detail.

First, it's important to understand that Social Security taxes are essentially income taxes. Some statists argue that Social Security taxes are not taxes at all, because Social Security distributes benefits "progressively". But the fact is that the government, through its agents, mostly employers, takes money in a manner that is mostly involuntary. If someone needs a job, and is offered a job under the condition that the employer will confiscate part of the worker's wages for the sake of feeding FICA, then, under normal circumstances, it's unlikely that that person will refuse the job on the basis of refusing to abide by that condition. Again, this is like indirect

sales taxes. Buyers are generally accustomed to having sellers collect a percentage of each sale for the government, and they generally don't refuse to buy purely for the sake of avoiding the tax. The same basic situation pertains to wage-earners paying their labor for money. So the Social Security tax is absolutely a tax because of the way it's collected. But some statists argue that it's not really a tax because of the way the taxed individual eventually receives benefits. At best, this is a specious argument that doesn't deserve any more ink than it's already gotten. The more interesting question is whether the Social Security tax is also an income tax.

26 USC § 3501 indicates that Social Security taxes are collected and deposited in the US Treasury the same way income taxes are. Income taxes may be covered by Subtitle A, while employment taxes (including FICA) are covered by Subtitle C. Nevertheless, both go into the US Treasury. Social Security taxes go into the Treasury Department's Social Security trust fund, but the trust fund is really nothing more than an accounting mechanism. The program was originally sold in the 1930s as an insurance program. On that basis alone, it's unlawful because it violates the subject-matter jurisdiction of the *secular social compact*. The program is also unlawful because beneficiaries are not paid with money they put into the fund, but with current tax receipts from current workers. So it has more in common with a Ponzi scheme than it does with a private-sector pension plan. In spite of the fact that many old-timers are hooked on the SSA dole, their participation in the system while in the labor force was only marginally consensual, at best.

The fact that payment of employment taxes is only marginally voluntary is obviously related to the quasi-voluntary nature of one's acquisition of a Social Security Number. From the inception of the Social Security system in the 1930s through the Baby Boomer generation's participation in the labor force, people generally volunteered to receive the SSN. When faced with a choice between working with an SSN and not working at all, people generally opted to get the number. In 1987, the Social Security Administration started a program called "Enumeration at Birth".[1] While the SSA has never had qualms about issuing SSNs to people before they reach majority, *i.e.*, before they reach the age of consent, since '87, the SSA proudly issues SSNs to the vast majority of infants born within the *united States*. By doing this, the SSA cloaks the fact that Social Security is inherently contractual, and therefore necessarily consensual, behind this veneer that it is a government program, and therefore mandatory.

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1 Carolyn Puckett, "The Story of the Social Security Number", **Social Security Bulletin**, Vol. 69, No. 2, 2009. — URL: https://www.ssa.gov/policy/docs/ssb/v69n2p55.html, retrieved 20 June 2018.

Taxpayer Identification Numbers

One of the exhibits in Hendrickson's book is a letter written in 1948 by an Associate Commissioner of the SSA.[1] The letter indicates that there is no legal requirement that people have or use a SSN. But it also indicates that 26 USC § 6109, "Identifying numbers", subsection (d), requires that the SSN be used by default whenever an individual attempts to satisfy federal taxation requirements:

> **(d) Use of the Social Security Account Number**
> The social security account number issued to an individual for purposes of section 205(c)(2)(A) of the Social Security Act shall … be used as the identifying number for such individual for purposes of this title.

In addition to being necessary for being obedient to the IRS, Carolyn Puckett's "Story of the Social Security Number" indicates that "Congressional legislation and federal agency regulations require the collection of SSNs for myriad purposes, as detailed in Exhibit 2."[2] Exhibit 2 is a table listing some of these "myriad purposes". Such federal legislation also "requires banks, savings and loan associations, credit unions, and securities dealers to obtain the SSNs of all customers" (1970), and intervenes in numerous other ways in the economy, and in the private lives of ordinary Americans. This intervention is not as thoroughgoing as it could be, in the same way that American totalitarianism is not presently as thoroughgoing as it could be. The fact remains that the trend in the use of these numbers is towards totalitarianism.

It appears that at this writing, there is still no overt, bold-faced requirement by the federal government for an individual to have an SSN. But the conditional requirement that one have an SSN to be employed, file income taxes, have a bank account, and numerous other near-essentials in American life, makes it obvious that this number is being used as a noose to strangle American freedom. In fact, a *secular social compact* has no more authority to require someone to acquire or divulge a number than they do to confiscate taxes.

These are two different things, getting a number and paying taxes. In fact, Social Security is an entitlement program. By signing up for it, even if one chooses not to receive the entitlements, one is polluting one's status. Simply getting a Social Security number does not make one a "taxpayer", an "employee", or a recipient of federal entitlements. Having a SSN is not absolute evidence of one's status. But it does constitute prima facie evidence that one is in-the-system rather than out of it. Getting a driver's license may not automatically make one a driver, any more than getting a fishing license makes one a fisher-person. Because acquisition of a license is acquisition of permission from the government to do something that is

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1 Hendrickson, **Cracking the Code**, p. 227.

2 Puckett, "The Story of the Social Security Number".

otherwise prohibited, such acquisition is prima facie evidence that one intends to do the otherwise prohibited thing. So having a SSN is prima facie evidence that one intends to receive federal entitlements, to pay taxes, *etc.* According to fundamental legal principles, it creates a contract into which one has conscripted oneself through prima facie evidence of intent to enter more completely into the contract. Most relevant to anyone who intends to operate in the out-of-the-system prong of the pincer strategy is that one of these 9-digit numbers is evidence that one is probably a "U.S. person".

26 USC § 7701(a)(3) identifies a "United States person" as "(A) a citizen or resident of the United States, (B) a domestic partnership, (C) a domestic corporation, (D) any estate … , and (E) any trust … ". It's critical to notice that "United States" refers to the *de facto* US, not to the *de jure united States*. Anyone intent upon occupying the out-of-the-system prong of the pincer strategy must be intent upon being a lawful *denizen* of the US. The *de facto* US doesn't presently recognize the status of a *denizen*, and is inclined to force anyone born within its territorial jurisdiction into one of these "U.S. person" categories. A pastor or Christian teacher who inhabits this territory, and who has surrendered his/her Social Security Number, and who considers his/her self a *denizen*, will default in US eyes into being a citizen or resident. Dealing with this treatment from statists is hard enough without being encumbered by an SSN that has never been surrendered, revoked, annulled, *etc.*

Such surrender, revocation, *etc.*, is dependent upon the theory that the *united States* is the product of some kind of social contract. The Declaration obviously confirms this idea of the social contract, as already expounded above. But there have been supreme Court opinions that have contradicted this claim, starting most prominently with *Texas v. White*, 74 U.S. 700, 726 (1869). In that case, Chief Justice Chase reasoned based on the premise that the Union was "indissoluble" and "indestructible". Following the Lockean conception of consent, Chase reasoned that once Texas became a State, it was locked into the Union forever. This line of reasoning leaves no room for descendants to make a choice between participating in the social contract or not. It thereby ceases to be a contract that binds people together, and is instead some fictitious obligation that the hand of the dead imposes upon the living. The natural-rights polity holds emphatically that this is in fact a perversion of the social contract. The allowance for *denizenship* is critical to correcting this. So is the need for all citizens to treat their dealings with government as contractual. Because dealings with government are contractual, according to fundamental principles, surrendering, revoking, and annulling such contracts are options that are not available at all when dealings with government are not contractual. The bottom line is that there is a radical clash in views of what is lawful and legal, between the

loose constructionists who are presently in control of many, if not most, of the power centers of the *de facto* system, and everyone who is not a loose constructionist.

The conclusion regarding the relationship between people intent upon operating in the out-of-the-system prong of the pincer strategy, and these 9-digit numbers, is that if one has a number (SSN, EIN, ITIN, or any other kind of TIN), then one should do everything lawful to get rid of it, whether that be surrender, revocation, annulment, or whatever else is necessary. If one does not have such a number, then one should assiduously avoid getting one.

(e) Conclusions Regarding In-the-System vs. Out-of-the-System Statuses: The conclusions regarding the relationship between people committed to operating in the out-of-the-system prong of the pincer strategy, and income taxation in general, are the following: (i)One should assiduously avoid filing tax returns, via 1040, 1040A, 1040EZ, or any other kind of form. One should also avoid filing employment tax forms 940-944. One should also avoid filing "information returns", including 1099s, W-2s, W-4s, W-9s, *etc.* In short, if one is outside the jurisdiction of the IRS, and if one has severed one's ties with them, then one has no more obligation to interact with them than someone born, raised, and living in the *united States* has an obligation to interact with a tax collector from the Republic of Kazakhstan. (ii)One on the out-of-the-system prong of the pincer strategy should see anyone and everyone who tries to make one take the number, file the return, and/or pay the alleged tax, as a domestic enemy. Anything other than the tax and entitlement systems that also tends to constrain buying and selling without permission from some criminal agency, should also be seen as inimical. (iii)One should never initiate violence against domestic enemies, and should only respond defensively when necessary.

One dedicated to the out-of-the-system prong of the pincer strategy should also be aware that 26 USC § 6012(a)(1) allows that people who do not have "income" that equals or exceeds a certain amount are exempt from the IRS's requirement to file returns. This does not necessarily entail that one be poverty stricken. It does entail that one's "income" be invisible to the IRS, which eliminates normal banking, employment, and many other activities that are normal in the *de facto* system. In fact, this brief examination of the status of the out-of-the-system natural person makes it clear that the difference between the statuses of in-the-system and out-of-the-system natural persons is huge. But income taxation, and taxation in general, are only a fraction of the whole that binds the average in-the-system person legally into the system. So there are numerous other legal issues that need to be studied by people dedicated to participation in lawful *jural societies* and *ecclesiastical societies*. This brief overview is merely an introduction to this subject. Even so, the need

for out-of-the-system individuals and out-of-the-system churches in these times is gargantuan.

(6) Conclusion Regarding Militia and Military:

Clearly, the existing military, consisting of the Army, Navy (including Marines), Air Force, and the various State and national guards, are closely associated with the already-existing, jurisdictionally dysfunctional *secular social compacts*. There's no reason to think that those circumstances should, or could, change within the near future. But governing how those entities are deployed is another issue. Steering the activities of those entities so that they conform more to the natural-rights polity, and less to the agenda of the globalists, is inherently a major objective of the in-the-system prong of the pincer strategy. On the other hand, the militia is not closely associated with the already-existing, jurisdictionally dysfunctional *secular social compacts*. This is because the nature of the militia is inherently local. Like lawful *jural societies* and *ecclesiastical societies*, the militia presently have no significant existence in the culture. Their place in the pincer strategy is inherently with lawful *jural* and *ecclesiastical societies*, on the out-of-the-system prong of the pincer strategy.

The in-the-system branch of the pincer strategy has the task of converting the existing general, State, county, and municipal governments into lawful *secular social compacts*. One major part of that task is conversion of the presently globalist-dominated military-industrial-academic complex into a military that is purely defensive, and conforms to a ***confederate republic*** that conforms to the natural-rights polity. Guidelines for that conversion appear throughout this section and throughout this booklet.

The out-of-the-system branch of the pincer strategy has the task of forming lawful *jural societies*, *ecclesiastical societies* (strictly defined), *secular social compacts*, and *religious social compacts*, all of which conform to the natural-rights polity. These entities need to be formed mostly from scratch, although at the local level, it should be easier to convert local entities into such conformity than one would expect at the tier of the general government. Formation of *jural societies* entails formation of local militias from scratch. Because forming militias is much easier than making sure that such militias are properly deployed, this section took a brief excursion into examining the statuses of in-the-system churches and individuals relative to out-of-the-system churches and individuals, both in regard to taxation. Proper deployment demands that the militia be deployed defensively, and only defensively. Deployment within these confines demands that such militia be focused strictly on defending out-of-the-system **primary** and **secondary** property. The examination of income taxation was undertaken for the sake of demonstrating the complexities involved

in discerning out-of-the-system status, thereby demonstrating the complexities in discerning proper deployment of the militia.

Once the status of an entity that needs defense is clear and obvious, if its status is out-of-the-system, then deployment shifts from being non-optional to being probably necessary. In many respects, the militia should be like a badger living in its burrow, not bothering anyone. When some statist entity like the IRS sticks its hand into the hole, that statist entity should not be surprised if their hand is mauled when they pull it out. Refusing to pay a protection racket is not a *delict*, while a protection racket forcing its victims to pay is certainly a *delict*. That kind of *delict* is certainly grounds for deployment of the militia, assuming that it's neither excessive force nor insufficient force.

It should be understood that as local militias were undermined through statute, the churches became inherently more jurisdictionally dysfunctional by way of their failure to actively support the clear duties of the global covenant. This separation of these global duties from the local church must be reversed. The enactment of 10 U.S. § 246, which separated the militia into organized and unorganized classes, was a major step in the separation of the duties of the global covenant from the local church, a separation that was eventually solidified in the Johnson amendment to the Internal Revenue Code in 1954. The Johnson amendment made it against the rules of the IRC for preachers to preach clearly political sermons. This separation of the global duties from the local church must be reversed, so that American churches again support both the global covenant and the local covenant.

The most urgent task of the in-the-system prong pertains to how people should deal with tyrannical entities that have control of weapons of mass destruction. The way that most Americans perceived the nuclear standoff between the Marxists and the Americans, a modest military was far from adequate. When considering the confederation of *secular social compacts*, from the most local to the general one that encompasses all the rest, it's critical that sober, sane, and even-tempered people keep control of all the weapons of mass destruction now under the control of the military-industrial-academic complex.

(viii) Conclusion Regarding the Modern Scourge

Throughout this chapter, the chronological **exegesis** has been paused at Genesis 9:18-11:9, which describes the transition from the ***one-nation epoch*** to the ***many-nations epoch***. This pause has provided a platform through which to explore the jurisdiction of the global covenant within the ***many-nations epoch***. Because the ***many-nations epoch*** spans from that point in biblical history indefinitely into the future, it's been possible to maintain the chronological **exegesis** in a stationary state

while exploring "international law" up to the present. So there's been a necessary distinction made between the Bible's chronological timeline and its jurisdictional timeline. This process of exploring the global covenant's jurisdictional timeline led eventually to this sub-chapter, "The Modern Scourge", which is the end of this exploration of "international law" within the context of the natural-rights polity.

The overall focus in this examination of the modern scourge has been on hermeneutics, first of the Bible, but extending from there into examination of the foundational legal documents of the *united States*, as well as of the fundamental pillars of modern society, including jurisprudential sovereignty, religion, science, economic systems and technocracy, modern human law, government, money and banking, and the military and the militia. Throughout this examination of the modern era, the emphasis has been on Babel-like globalization, which leads to a collapse of human society, versus globalization that is based on the natural-rights polity. The latter has a far more rudimentary status at present because the conditions for its development are far more demanding than what Babel has to offer. Babel offers tyranny, which is precisely the opposite of the natural-rights polity.

In general, the globalists, those trying to foist Babel globalization onto humanity, are trying to control what people think. They're doing that through propaganda, including through scientism, secular philosophies, and anti-Christian religions (including religious sects that pretend to be Christian). The globalist banking system is trying to control people's ability to buy and sell, to trade. The globalist military power centers are trying to control people's ability to communicate, travel and move, and shoot. (The latter is why they always disarm populations before trashing them.) — In terms of secondary causes, the ultimate solution to these globalist constraints lies in the visible Church, by way of its following sound Bible-based theology. The penultimate solution must come from people committed to the *secular religion*, regardless of whether they are Christian or not. As described herein, the practical approach to solving this problem is in the pincer strategy. But it's critical to constantly bear in mind the stakes. The stakes can be seen in a quote from Professor R.J. Rummel's book, **Death by Government**.

> In total, during the first eighty-eight years of this [20th] century, almost 170 million men, women, and children have been shot, beaten, tortured, knifed, burned starved, frozen, crushed, or worked to death; buried alive, drowned, hung, bombed, or killed in any other myriad ways governments have inflicted death on unarmed, helpless citizens and foreigners. The dead could conceivably be nearly 360 million people. It is as though

> our species has been devastated by a Black Plague. And indeed it has, but a plague of Power, not germs.[1]

This plague of power does not belong strictly to Marxists, socialists, fascists, capitalists, or imperialists. It belongs to people who care so little about other people's natural rights that they have no qualms about stepping on other people like bugs. What these people have in common is sociopathy and psychopathy, characteristics of people who lead other people into Babel building.

If Americans think they are immune to this kind of destruction, because they are somehow anointed, they should think again. The people who helped finance the Stalinist and Maoist regimes are the same people who set up America's central bank, designed its system of income taxation, puppeteered the construction of its administrative state, set up the UN, and are even now planning a major depopulation of the planet. Americans are not immune to this. They are in the middle of it and are being used to promote this globalist agenda without being aware that that's what they're doing. In William F. Jasper's words,

> U.S. Insiders (direct forebears to the current new world order cabal) orchestrated the rise of Communism to a world power in the USSR and in China and supplied these criminal regimes with Western technology and the means for nuclear weapons.[2]
>
> It is also true that they willingly sent U.S. sons to die in no-win wars to build their new world order. … They used U.S. foreign aid to further communize and socialize nations under petty despots.[3] … They have … offered dangerous, totalitarian proposals disguised as a 'War on Drugs,' but which, in reality, are aimed at making war on our freedoms. They have promoted the destruction of morality and the family. They have sought

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1 R.J. Rummel, **Death by Government**, 1994, Transaction Publishers, New Brunswick, NJ, p. 9.

2 Endnote embedded in quote: "Antony C. Sutton, *The Best Enemy Money Can Buy* (Billings, Mont.: Liberty House Press, 1986); Senator William Armstrong (R-Colo.), *Technology Transfer: Selling the Soviets the Rope*, Speech to U.S. Senate, Congressional Record, April 13, 1982, pp. 83386-89. Graham Hancock, *Lords of Poverty: The Power, Prestige and Corruption of International Aid* (New York: Atlantic Monthly, 1989); Staff, *Perpetuating Poverty: The World Bank, the IMF and the Developing World* (Washington: Heritage Foundation, 1994)."

3 Endnote embedded in quote: "John Stormer, *None Dare Call It Treason* (Florissant, Mo.: Liberty Bell Press, 1964); Hilaire Du Berrier, *Background to Betrayal: The Tragedy of Vietnam* (Belmont, Mass., Western Islands, 1965); John F. McManus, *Changing Commands: The Betrayal of America's Military* (Appleton, Wis.: The John Birch Society, 1995)."

> the destruction of private property and the middle class. They have worked to subvert the influence of monotheistic religions [(Except Islam, because they figured out how to use it.)]. They have encouraged teaching methods that promote illiteracy, conformity known as political correctness, and worship of the Almighty State as God.[1]

What needs to be done about this? The pincer strategy provides a basic approach to dealing with it. But the details must be filled in on a day-to-day basis, by scrupulously implementing the natural rights polity on both prongs of the pincer.

The in-the-system prong of the pincer strategy must include the immediate extrication of the *united States* from the UN, and from all treaties and international agreements that in any way obstruct the development of the natural-rights polity. This extrication should start with immediate cessation of funding to the UN, with similar extrications from NATO and other dysfunctional treaties. These are necessary steps towards defeating global tyranny, but by themselves they are not enough. This is because the Babel-building agenda is now pervasive throughout most institutions worldwide. This includes all three branches of the general government, especially those branches that are dependent upon a perpetual bureaucracy. It also includes State bureaucracies, county bureaucracies, and municipal bureaucracies. In fact, the crux of the globalist agenda is now focused at every tier of the nation's social superstructure where *municipal* laws exist. So the in-the-system prong must be fighting at every level of the tiered system, and the lame notion that getting good politicians into federal offices will fix everything must be abandoned. Patrick Wood provides a salient appraisal of the current state of affairs:

> Has our nation been picked apart piece by piece, effectively destroying national sovereignty in the process? Of course, the answer is emphatically Yes! The only reason it has taken longer to bring the U.S. to its knees is because the technocrats first needed to get through the sticky problems of "Rule of Law" and our concept of "unalienable rights" that so strongly define our Republic. There is no other nation in the world based squarely on these two principles. Furthermore, the technocrats needed to overturn America's Judeo-Christian ethical and moral base that said No! to relative truth, Evolution, Humanism and Scientism.[2]

The modern scourge has been a force in human societies since long before the modern era. But in the modern era, it is manifesting itself in a way that threatens

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1 Jasper, **The United Nations Exposed**, pp. 289-290.

2 Wood, **Technocracy Rising**, p. 205.

the extinction of the human race. On the other hand, if the human race doesn't go extinct, but also doesn't choose the natural-rights polity, then the result will be the kind of society that's already manifesting itself in China. This will be a **Brave New World** society for all those who choose to cooperate with the state, and a **1984** society for all those who choose not to cooperate with the state. It is inherently incumbent upon Bible-believing Christians to fight this modern scourge with all their hearts and souls and minds and strength, because this scourge is diametrically opposed to the **preceptive will** of God.

Sub-Chapter 5: Conclusion Regarding the Globally Prescribed Polity

This chapter has focused on discerning the role of the natural-rights polity in *international law*. Because the global covenant applies to all people within the ***law-enforcement***, ***many-nations epoch***, it has been possible to hold the biblical narrative's timeline in park at the end of Genesis 11:9, and to move the global covenant's jurisdictional timeline forward from that point up to the present. This process included examination of the role of civilizations. It also included examination of Hugo Grotius' writings on *international law* and the development of *international law* from the Peace of Westphalia up to the present. This development up to the present revealed a major crisis. This crisis in *international law* is between advocates of the modern scourge and advocates of natural rights. The conclusion is that God's people should put themselves squarely on the latter side, and put themselves on one branch or the other of the pincer strategy.

As the focus of this **exegesis** shifts from the jurisdictional timeline of the global covenant back to the timeline of the biblical narrative, returning to Genesis 11:10, it's important to re-emphasize that the covenant of grace has two essential parts, the global part and the local part, the part in which common grace is emphasized and the part in which special grace is emphasized.

Part II

Chapter 11:
Continuing the Chronological Exegesis of Secular Human Law:
The Local Covenants
(*Law-Enforcement Epoch* — Genesis 11:10-Malachi 4:6)

The focus of the Bible as a whole is on the revelation of Jesus Christ as Lord of the universe, and of His salvation of His elect. But as He Himself said, God "makes his sun to rise on the evil and on the good, and sends rain on the just and on the unjust." (Matthew 5:45b; **ESV**) So God's grace applies both to those He saves and to those He doesn't. So it's reasonable that there would be a distinction made in Reformed theology between God's grace that applies equally to all people, regardless of whether they are elect or not, and God's grace that applies only to those God has specifically and especially chosen for salvation. Reformed theology has generally called the former "common grace", and the latter "special grace". This is especially important when following the Bible's timeline from Genesis 11:9 to Genesis 11:10 because it marks the Bible's transition from emphasizing common grace to emphasizing special grace.

Up to this point in the historical narrative, the Bible has been focused on God as the primary actor, and secondarily on God's treatment of the human race as a whole, although the narrative certainly has prominent people like Adam, Eve, and Noah in it. From this point forward, the historical narrative is still focused on God as the primary actor, but secondarily almost entirely upon God's development of God-centered community, starting with a single man, Abram. So the shift from the Tower of Babel episode in 11:1-9 to the genealogy of Abram, which starts at 11:10, is a shift from emphasizing the global covenants to emphasizing the local covenants. Each global covenant applies to all people subsequent to that covenant's promulgation, and these three global covenants, the Edenic, the Adamic, and the Noachian, combine to form the global covenant. In contrast, each of the local covenants applies specifically to Abram and his family, where his family in the final analysis is composed mostly of adoptees. The proto-evangelium in Genesis 3:15 is essentially a promise of reconciliation of God and humankind, which is implicitly by way of the Messiah through the local covenants. But the emphasis in the rest of Genesis 1:1-11:9 is on the development of the global covenant. Genesis 1-11:9 are thereby focused on general revelation, on the revelation of God that is available to all human beings. Because that passage forms the common-grace context for God's administration of special grace that begins in Genesis 11:10, it's reasonable to consider this prefatory passage as special revelation that focuses on general revelation.

It's important to remember that this is a chronological **exegesis** that is inherently committed to following the biblical timeline, searching in the process for passages that fall inherently within the jurisprudential genre of literature. This kind of **exegesis** is searching chronologically for **progressive revelation** as it pertains to the development of biblical law. At the same time, this chronological **exegesis** is dependent upon the prior existence of topical **exegeses** to supply a reliable theological foundation for doing this chronological **exegesis**. That reliable foundation exists in the many reliable **exegetical** works from Augustine, Aquinas, Luther, Calvin, Turretin, Edwards, and many others, each being characterized as monergistic among classically Reformed Christians, and excluding theologies of the Arminian, semi-Pelagian, Pelagian, and synergistic kind. These numerous, reliable, topically **exegetical** works can be taken as summarized in the Westminster Confession of Faith, which is by no means perfect, but which is certainly one of the best concise expressions of Reformed theology presently available. — Bearing in mind that this description of chronological **exegesis** specifies the procedures that this work is taking, it's possible to continue this process with examination of the Abrahamic covenant, the first of the three local biblical covenants. But before continuing, it's important to also remember that this is a search, more specifically, for God's prescription of secular human law. Because it is for secular law, it is for law that applies to all humans. Because the *in personam* jurisdictions of the local covenants do not include all humans, they are being called "local" herein. This is a search for God's **preceptive will** as it pertains to secular human law.

As is clear in the introductory parts of this chronological **exegesis**, it's crucial to bear in mind that biblical law exists almost entirely within what has traditionally been accepted as the historical narrative genre of literature. But a fundamental demand for discovering the jurisprudential genre within the historical narrative is to distinguish biblical law from biblical fact. The most fundamental form of biblical law is the biblical covenant. All biblical law that pertains to God's prescription of secular human law exists as terms of biblical covenants. In this search for God's prescription of secular human law, it's critical to focus on covenants for the sake of maintaining the integrity of the search. It's also critical to keep this chronological **exegesis** within the context of reliable topical **exegeses**, such as those of the monergistic theologians just mentioned.

As already established, God would have been justified if He had annihilated the human race when they first started missing the mark and putting themselves at odds with natural law. But God chose to dispense grace instead of justice to them at that time. He thereby promulgated what Reformed theology has historically called the "covenant of grace", which is what this booklet also calls the "Adamic covenant".

This covenant covers the entire human race from that point in time forward. So the covenant of grace encompasses both common grace and special grace, but the central emphasis in the covenant of grace is on redemption of humans from the prospects of spending eternity in hell, a redemption that only God's elect receive.

An important point to make here is that if Genesis 1-11:9 is not properly interpreted, then the understanding of the relationship between general revelation and special revelation is skewed until that interpretation is corrected. That skewing is precisely what has allowed the modern scourge to arise in all its manifest plagues. To understand the difference between general revelation and special revelation, it's critical to understand what revelation is. Revelation is God's manifestation of the truth to one or more human beings. The problem in this skewed perception of the relationship between general and special revelation is not in what God has revealed. It's in the human interpretation of what God has revealed. At its best, interpretation of general revelation yields natural theology. Interpretation of special revelation yields Bible-based theology. The special revelation that exists in Genesis 1:1-11:9 obviously demands reconciliation between the special revelation that exists in Genesis 11:10-Revelation 22:21 and general revelation that exists even where the Bible doesn't exist. If this reconciliation does not exist, then there is seemingly an unbridgeable chasm between general revelation and special revelation. But because there is no psychotic break in God, there is no such chasm in His revelation. The chasm, the psychotic break, exists in human perception, in the human interpretation of God's revelation.

Geerhardus Vos claims that special revelation is "inseparably attached to another activity of God, which we call *Redemption*".[1] No doubt this is true. But it does not adequately account for the ways that general revelation is also attached to God's redemption. The rain falls on both the just and the unjust. But redemption defined as redemption of God's elect through the substitutionary atonement of the Messiah is not the same kind of redemption that God bestows on those He has not elected to be among His chosen people. While general revelation is God's revelation of Himself to humanity in general, special revelation is God's revelation of Himself to specific people for specific purposes. The overriding purpose in special revelation is the redemption of God's people through the substitutionary atonement of the Messiah, where that redemption is from eternity in hell. Since general revelation is not necessarily or primarily about that kind of redemption, it must be about some other kind of redemption. At the very least, general revelation includes God's allowance for the evil and the unjust to continue living under the sun and in the rain, instead of being banished to hell immediately. It must also include the development

1 Vos, p. 5.

of human law from its almost non-existent status under the ***one-nation epoch***, to its extraordinarily dysfunctional status during most of the ***many-nations epoch***, towards the natural-rights polity that is a crucial part of the maturation of the global covenant. All this pertains to long-standing and, to some, unresolved arguments in Christian theology about the relationship between law and grace. Because the Bible's globally prescribed human law is based on the fact that God has established the *imago Dei* in every human, the natural-rights polity is vastly superior to every conception of global human law conceived by people who have no exposure to the biblical covenants. In fact, human cultures outside the influence of the Bible have never conceived of God in such holistic specificity, have never conceived of each human as having God's image, and have never developed a political philosophy even remotely like the one that is based on the *imago Dei*. Even though the natural-rights polity is an aspect of the global covenant and a manifestation of common grace, that polity is utterly dependent upon the local covenants for its development on earth, because the local covenants communicate what the *imago Dei* is, and refine its definition, if for no other reason. The local covenants are therefore critical to the maturation of the global covenant.

Vos makes a distinction between what he calls "objective-central acts" and "subjective-individual acts".[1] He claims that "objective-central acts" are "redeeming acts of God", like "the incarnation, the atonement, the resurrection of Christ". He says that "acts in the subjective sphere are called individual, because they are repeated in each individual separately. Such subjective-individual acts are regeneration, justification, conversion, sanctification, glorification."[2] — Both of these categories of redemptive acts by God, objective-central and subjective-individual, pertain specifically to special revelation. Each is composed of God revealing Himself through redemptive acts. But at this nexus between the biblical narrative pertinent to the global covenant and the biblical narrative pertinent to the local covenants, it's important to understand not only redemptive acts that manifest through special revelation, and are inherently manifestations of special grace, but also acts of God that are generally revelatory, and that are manifestations of common grace.

Over the centuries, Reformed theology has been excellent at interpreting and expounding special revelation as it pertains to objective-central redemption and subjective-individual redemption. This fact stands as proof that it has been excellent at interpreting and expounding the local covenants, compared to other supposedly Bible-based theologies. It has thereby shown itself to be excellent at interpreting and expounding God's grace. But it has not been adequate at interpreting and expounding

1 Vos, p. 6.

2 Vos, p. 6.

God's law. Law in general pertains to both the evil and the good, both the unjust and the just. The fact that Reformed theology has never expounded the natural-rights polity adequately is proof that it has never interpreted the global covenant properly, and therefore has not expounded biblical law properly, on the whole. Biblical law cannot be interpreted and expounded properly without a holistic understanding of the jurisdictions of the biblical covenants. So even though Reformed theology has been excellent at interpreting special revelation as it pertains to objective-central redemption and subjective-individual redemption, it has generally failed to strictly define the jurisdictions of both the global covenants and the local covenants. But the core of this problem has been lack of reconciliation between general and special revelation, which lack exists largely because of a failure to adequately discern the global covenants.

The Edenic, Adamic, and Noachian covenants combine to form the global covenant. Each covenant after the Edenic covenant is essentially a set of amendments or appendments to the pre-existing covenant. This pattern continues into the local covenants. But the *in personam* and territorial jurisdictions of the local covenants are radically different from those in the global covenant. Reason demands that much of the subject-matter jurisdiction of the global covenant must be carried forward into the local covenants, because the people of the local covenants are as much subject to the global covenant as anyone else. Of course, there are also appendments and amendments to the global subject-matter jurisdiction in the process of forming the local covenants.

While Vos' conception of objective-central redemption is helpful. It's critical to recognize that such objective-central redemption occurred within a historical context that was crucial to those objective-central acts of God, and it's critical to recognize that the development of that context was orchestrated by God over numerous centuries. God revealed the elements of this context to certain privileged individuals, and those individuals recorded those revelations for posterity. This revelation-recordation process pertains to Genesis 1:1-11:9 as much as it does to the rest of the Bible. But that prefatory passage is so much focused on what's generally true for all humanity that God's acts of revelation and redemption in that passage may deserve to be called "objective-general" acts instead of "objective-central". While Vos recognizes the primary objective-central acts as being the incarnation, the atonement, and the resurrection of Christ, the biblical covenants supply the fundamental context for those objective-central acts. The biblical covenants, including all the terms of those covenants, form the requisite context for objective-central acts.

One of the most important things to recognize at this transition from the global to the local covenants, is that knowledge about the global covenants in general, and

about the natural-rights polity that arises rationally out of the Genesis 9:6 term of the global covenant, appear to be almost totally forgotten in the historical narrative after this transition. The unrequited violence and slavery that appear during the period of the local covenants, starting at Genesis 11:10, is so pervasive that that term of the global covenant appears to be almost completely ignored. But this cannot mean that the global covenant ceased to exist, because those are everlasting covenants. It only means that human awareness of the global covenant went dormant.

It's also important to acknowledge that after the Babel division, there is a general confusion, in regard to the distinctions between natural law, human law, and moral law. Because the correspondence conception of human perception arises rationally out of the global covenant and out of common sense, it's important to insist that it exists. And this conception of perception accompanies the need to maintain the three legs of the natural-law tripod: (i)the laws that govern exogenous natural phenomena; (ii)the laws that govern endogenous natural phenomena; and (iii)the laws of the ethical field, meaning the moral law that instructs people in how to behave so that they conform to both of the other two legs of the natural law. It's important to recognize this confusion as pervasive because it impacts critical events in redemptive history. For example, confusion about these distinctions leads to an inability to distinguish human law that is lawful as opposed to human law that is unlawful because it's dictated by a pseudo-sovereign in opposition to lawful human law. This confusion includes conflation of the biblical prescription of global human law, and the moral-law leg of the natural law. That conflation has been pervasive from the Babel division up to the present secular age, and it appears throughout the historical narrative of the rest of the Bible.

The visible Body of Christ created by special revelation and redemption is surrounded by humans who only have access to general revelation, but who prefer to suppress it (Romans 1:18). This has been true since the days of Abraham. General revelation is common, and special revelation is in some respects a special outgrowth of general revelation. It therefore makes sense that there is a feedback loop between general revelation and the organic structures created by way of special revelation. This feedback loop is obvious in the realm of human law. Because the Declaration of Independence, the Constitution, the Bill of Rights, and the common law are all extremely indebted to biblical scholarship expounded within the visible Church, and to this millennia-long heritage, American jurisprudence is hugely indebted to this feedback loop. It's only by way of this feedback loop that the *metaconstitution* could ever come into existence. The proper parsing of the Genesis 9:6 duties, and the proper filling out thereof, are functions of both general revelation and special revelation, and not exclusively one or the other. More precisely, the popular application of special

revelation has led to the discovery of legal principles, which are manifestations of general revelation. The human race has discovered crucial legal principles by way of the prior existence of these legal principles in the objective-general redemption expressed in the Bible. Such legal principles are functions of the biblical covenants, and probably would not exist meaningfully in any jurisprudence without the Bible's influence.

As indicated, there's a feedback loop between knowledge gained from special revelation and knowledge gained through general revelation. There should be no disagreement between special and general revelation because the same rational God made each. But in humanity's fallen condition, it's often difficult to see the agreement. On the road to redemption, it must be true that the agreement will eventually pile so high that the disagreement will fade into oblivion. God didn't make these jurisprudential truths obvious in the Bible for the same reason He didn't make all truth obvious in the Bible. God made "central" truth obvious in the Bible. But it's a necessary part of growing into miniature sovereignty for the miniature sovereigns to extend central truth into the extremities, which requires that miniature sovereigns discover many things seemingly on their own.

There is one more thing that should be emphasized before entering into **exegesis** of the Abrahamic covenant. This hermeneutical and **exegetical** process is focused on the discovery of the biblical prescription of secular human law, and of the lawful jurisdictions of both the global and the local covenants. This chronological **exegesis** has already discovered the biblical prescription of secular human law in the global covenant. Because all the covenants from here to the end of the Bible are local, and do not apply directly to all people the way Genesis 9:6 applies directly to all people, the search for secular human law is essentially over. So as far as law is concerned, this shift from 11:9 to 11:10 is a shift from describing natural law that applies to all humans, and prescribing human law for all humans, to continuing to describe natural law that applies to all humans, while prescribing human law only for *religious social compacts* that arise out of a local covenant. So this is a shift from finding the foundations for *secular social compacts* to finding the foundations for *religious social compacts* that are based on the local covenants. Because each covenant contains **progressive revelation** that incorporates the prior biblical covenant while making amendments and appendments thereto, and because the local covenants are not an exception to this logically necessary rule, the examination of the local covenants will be thorough enough to discover the covenant's jurisdiction in general. It will not be more thorough than that because being more thorough than that in regard to the local covenants would be overkill, and would merely repeat much of the good work that's already been done by Reformed theologians. The emphasis will be on

recognizing secular human law as prescribed by Genesis 9:6, within the jurisdiction of each local covenant.

Sub-Chapter 1:
The Abrahamic Covenant
(Genesis 11:10-50:26)

The crux of the Abrahamic covenant appears in Genesis 15, where the covenant is actually cut. Even so, the rest of the passage from 11:10 to Abraham's death at Genesis 25:8 mixes historical narrative with the jurisprudential genre, where the jurisprudential genre contains descriptions of covenantal components. The rest of Genesis, from 25:9 forward, consists of historical narrative that, in addition to much other historical material, contains descriptions of how the covenant was passed from one generation to the next. So this latter passage is also important to the context of this covenant.

For the sake of keeping the larger context that includes the global covenant, it should help to review the epochs and eras that have been identified thus far on the biblical timeline. The first was the ***Edenic epoch***, which lasted for however long the people were in the garden before they were booted out. The predominant characteristic of this covenant of works is that people achieve and retain sinless relationship with God only through their obedience to His law. The jurisdictional timeline of the Edenic covenant / covenant of works lasts indefinitely into the future. In the history of humanity, the covenant of works has been satisfied by one person, and only one person, namely, by *Yeshua Ha Meshiach*, Jesus Christ. The covenant of works underwent major modification by way of the Adamic covenant / covenant of grace.[1] As expounded above, after the fall, no human other than the Messiah has the perfection necessary to satisfy the covenant of works, and every human who is redeemed from the fall is redeemed through the objective-central acts of the Messiah. The Adamic covenant / covenant of grace was the beginning of the ***Adamic epoch***. The ***Adamic epoch*** in its pure form lasted until the cutting of the Noachian covenant.

1 The jurisdictional timeline of the covenant of works continues as a framework parallel to the covenant of grace, extending even into the New Jerusalem. If the covenant of works existed without the covenant of grace, then the human race would have been wiped out. Even with the covenant of grace, many people attempt to have eternal life through their work, which, after the fall, ceases to suffice. — It may be important to understand that there is some discrepancy between this booklet's use of "covenant of grace" and the Westminster Confession of Faith's use of the same term. There is obvious conflation of the Adamic covenant and the other local covenants in the use of "covenant of grace" in WCF chapters 7, 17, 27, and 28.

The first part of the ***Adamic epoch*** was composed of the ***anarchy era***. The Noachian covenant formally ended the ***anarchy era*** and initiated the ***law-enforcement epoch***. The major amendment of the Adamic covenant instituted by the Noachian covenant was this termination of pure anarchy and this institution of law enforcement. So in some respects, the human race is still under the law-enforcement part of the Adamic covenant's jurisdictional timeline. That's one of the reasons it's reasonable to speak of the human race as still being under the covenant of grace. But it's critical to recognize that this is the law-enforcement part of the covenant of grace. As made clear by Genesis 11:1-9, the ***law-enforcement epoch*** is divided into the ***one-nation epoch*** and the ***many-nations epoch***. The Noachian covenant's jurisdictional timeline extends from the beginning of the ***law-enforcement epoch*** to the entrance of God's elect into the New Jerusalem. The Noachian covenant was the last set of modifications to the global covenant, and the jurisdictional timeline of the global covenant extends indefinitely into the future.

While thinking in terms of epochs was useful while the Bible was narrating the formation of the global covenant, the shift at 11:9 to 11:10 is a shift in which it makes far more sense to focus on jurisdictions than it does to focus on epochs and eras. Although that shift is definitely a shift into the midst of the ***many-nations epoch***, it is also a shift from narration of the Babel division to narration of the genealogy of a single man. The focus in the rest of the Bible is on that man, on that man's family, on the nation that that family turned into, and on the influence that that nation had, and would have, on all the other nations and peoples in the ***many-nations epoch***. This may seem like a myopic view of what the Bible is about, since it appears to leave out objective-central redemption. It must be admitted that in this respect, it is certainly myopic. It's a distorted view because even though it's true, by itself, it doesn't present the holistic picture presented by the Bible as a whole. As already mentioned, the Bible is primarily about objective-central redemption. But if one wants to see rational consistency between special revelation and general revelation, then one must focus on things that are peripheral and contextual to objective-central redemption, such as this direct lineage of the Church of Jesus Christ from God's covenant with Abraham. This genealogy that starts with Shem and goes to Abram (11:10-32) provides necessary context for the Abrahamic covenant. This is necessarily a focus on covenants as necessary context for objective-central redemption.

Even though Genesis 15 depicts the cutting of God's covenant with Abram, God starts making covenantal promises to Abram well before that (Genesis 12:1-3), and He continues making such promises well after Genesis 15. That's why it's necessary to claim that the Abrahamic covenant is scattered through the passage from Genesis 12:1 to 25:8. Although this passage has usually been understood to be historical

narrative, it really contains an admixture of the genre of historical narrative and the jurisprudential genre. Contractual / covenantal components, including offer, parties, consideration, obligations, benefits, penalties, duration, signs, *etc.*, all appear in this passage. But unlike the passage in Genesis that contains the global covenant, 12:1-25:8 has been poured over reliably by scholars for centuries with due recognition of its covenantal nature. This booklet will not attempt to reinvent the wheel here, and will largely defer to existing Reformed scholarship on this passage as largely valid. So there is no need here to parse Genesis 12:1-25:8 into covenant components, as was done above with the Edenic, Adamic, and Noachian covenants. The emphasis here will be on especially salient terms of the covenant, and on recognizing these terms within the legal framework that's already been discovered in this booklet.

Among all the promises that God makes to Abram, there are two that are motifs that are important in the study of biblical jurisprudence. The first is, "I will make you a great nation" (Genesis 12:2; **ESV**). The second is, "[Y]ou shall be the father of a multitude of nations." (Genesis 17:4; **ESV**) So among all the numerous promises that God makes to Abraham, are the promises to make him a great nation and the promise to make him the father of a multitude of nations.[1] These promises can be understood to be prophetic. As such they have explanatory power when applied to the history that unfolds throughout the rest of the Bible, and even into the present age.[2]

One important thing to notice in this passage is that Abram practices slavery. This fact first appears in the narrative in Genesis 12, where, after his father Terah had died (11:32),

> Abram took Sarai his wife, and Lot his brother's son, and all their possessions that they had gathered, and the people they had acquired in Haran, and they set out to go to the land of Canaan.
>
> (Genesis 12:5; **ESV**)

Acquiring people is an obvious reference to slavery. Slavery had become normal and common. This shows that the high standard of social polity called for in the global covenant had been forgotten, neglected, and/or ignored, probably starting when the Babel division turned monoglot society into polyglot confusion. Even though evidence that people were conscious of their duties as miniature sovereigns is very

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1 God made a similar promise about Sarah. He said she "'shall become nations; kings of peoples shall come from her.'" (Genesis 17:16; **ESV**)

2 For proof that this claim is true, see Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 8, "Two-House Portal", especially Section e, "Abrahamic Origins". — URL: http://BasicJurisdictionalPrinciples.net.

scarce at this stage of the ***many-nations epoch***, there is a case described in Genesis 14 that shows that the spirit of the vigilante that is crucial to Genesis 9:6 was alive and well in Abram. When Lot got kidnapped, Abram did everything necessary to execute justice for Lot's sake. So the spirit of Genesis 9:6 existed at a gut level, without all the intellectual accoutrements necessary to make it work on a broad scale. That gut level wasn't principled enough to motivate the abolition of slavery. The history of redemption from that early era forward would include a process of gradually manifesting these gut-level intuitions as legal principles that appear as terms of the local covenants.

In Genesis 17:7, God tells Abram, who has just been renamed Abraham (which is being renamed from "exalted father" to "father of a multitude"), the following:

> I will establish my covenant between me and you and your offspring after you throughout their generations for an everlasting covenant, to be God to you and to your offspring after you.
>
> (Genesis 17:7 **ESV**)

It's important to recognize that this is as much a covenant between God and human as any of the three global covenants. It's also important to recognize that the *in personam* jurisdiction of this covenant includes Abram and his offspring, emphatically not all humanity in general.

It's critical to remember that the interpretation of Genesis 9:6 that has been provided above is based on the jurisprudential genre that has developed generally in Christendom since the 1st century, and more specifically in the English-speaking world over the last few centuries. Although that interpretation rightly pertains to 21st-century humans, it doesn't follow that the same jurisprudential rigor applies to this establishment of the Abrahamic covenant several millennia ago. At that ancient time, those principles exist at a gut-level, at best, and manifest in principled action only on a seemingly haphazard basis. This is true throughout most of this era of the local covenants. The knowledge of God's **preceptive will** in regard to human law had been blasted into smithereens by the Babel division. It would be a long, gradual, slow process for God's people to recover that knowledge. This blasting to smithereens is obviously part of God's **decretive will** for the human race. It therefore makes no sense for 21st-century people to superimpose their culturally influenced moral prejudices on ancient people like Abraham. Such superimposition is **eisegesis**, which is opposed to the Reformed hermeneutic. It's necessary under the circumstances to assume, at this point, that part of God's plan for humanity would include the gradual recovery of that knowledge of God's **preceptive will**. In reading the Abrahamic passage, it's crucial to focus on what God is doing, and to thereby avoid superimposing one's mental constructs. It's also important to bear

in mind that modern Christians are under the Messianic covenant, and should not regress into shortcomings that exist in prior covenants. Such regression would be like refusing to acknowledge that a lawfully enacted constitutional amendment has been lawfully enacted. Nevertheless, it's important to understand those covenantal shortcomings, especially those that are clearly amended by a subsequent covenant.

It's clear that in this passage from Genesis 17, God is promising to be God to Abraham, his wife, and all their mutual descendants. Abraham and family have covenantal obligations, some of which are mentioned in Genesis 17. The obligations of the global covenant are not mentioned, and have seemingly faded into obscurity at this point in the biblical timeline. But because the global covenant is everlasting, every bit as much as the local covenants, the global covenant is implicit in this Abrahamic passage, even though it was a time of slavery and ignorance. Like the emphasis on the fact that all humans have the *imago Dei*, the emphasis on the natural-rights polity that arises out of the *imago Dei* appears to have diminished to near irrelevance, existing only at an intuitive level in good people like Abraham.

The fact that Abraham practiced slavery is sure evidence that he did not recognize anything like a rigorous interpretation of Genesis 9:6. This fact has implications for the terms of the Abrahamic covenant, and for everything that has been claimed above in regard to the nature of consent. This is implicit in the following passage from Genesis 17:

> And God said to Abraham, "As for you, you shall keep my covenant, you and your offspring after you throughout their generations. This is my covenant, which you shall keep, between me and you and your offspring after you: Every male among you shall be circumcised. You shall be circumcised in the flesh of your foreskins, and it shall be a sign of the covenant between me and you. He who is eight days old among you shall be circumcised. Every male throughout your generations, whether born in your house or bought with your money from any foreigner who is not of your offspring, both he who is born in your house and he who is bought with your money, shall surely be circumcised. So shall my covenant be in your flesh an everlasting covenant. Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant.
>
> (Genesis 17:9-14; **ESV**)

This clearly indicates that the covenant was intended to pass from generation to generation through male circumcision. There's no hint that the consent of people who reached majority is in any way a factor in making the covenant "everlasting", except this penalty pending against any male who is not circumcised. The penalty

is being "cut off". So that penalty is an obvious threat against any male among Abraham's people who refuses to give his cognitive consent to being circumcised. Also, the cognitive consent of slaves regarding entry into the covenant is also completely neglected. There are provisions in the Mosaic covenant for adoption of foreigners into the covenant through their cognitive consent, as long as the males submit to being circumcised (Exodus 12:48). But those provisions appear to be completely irrelevant under the subject-matter jurisdiction of the Abrahamic covenant. It appears that Abraham's consent is the only human consent necessary for the establishment and propagation of this covenant. Everyone else will acquiesce to its propagation, or find themselves "cut off". This should strike the reader as being somewhat similar to the Lockean consent already examined, in which true cognitive consent is only necessary to founders of covenants and social contracts, and is not applicable to any other participants. This same shortage of consent is generally a point of contention in argumentation over baptism in modern Christian theology. These arguments deserve to be examined here briefly, for the sake of seeing how they shed light on the underlying nature of the Abrahamic covenant. But before that, it's important to remember the distinction made above between cognitive consent and pre-cognitive consent.

There are at least two mechanisms that make it legitimate to claim that the global covenants apply to all human beings subsequent to each covenant's promulgation: (i)As indicated above, the biblical text makes it obvious that each global covenant applies to all human beings, and thereby has a global *in personam* jurisdiction. (ii)The mechanism by which this truth about global participation is propagated from one generation to another is implicitly and necessarily pre-cognitive consent. — A biblical covenant between God and human, being a type of contract, demands consent from all the parties. But each global covenant has jurisdiction over every human alive since its promulgation, regardless of the person's cognitive consent. In the same way that it must be assumed that a newly conceived human gives his/her consent to being conceived in a given woman's womb, namely, his/her mother's, it must be assumed that a newly conceived human gives his/her consent to participation in the global covenant. But because the cognitive capacity of the newly conceived human is not developed at his/her moment of conception, that infant's consent is necessarily pre-cognitive. That is the rationally necessary mechanism by which human consent exists for participation in the global covenants. This leads to a question within this context: Is it pre-cognitive consent that propagates the Abrahamic covenant, or cognitive consent?

By carefully parsing the language in Genesis 9:6, it became clear that consent to participation in the Noachian covenant was/is pre-cognitive. As shown, this means

that the *negative-duty clause* applies to all humans regardless of their cognitive consent. On the other hand, although cognitive consent to the *positive-duty clause* is clearly preferred by the covenant, pre-cognitive consent to compliance with the *positive duty* cannot be presumed by humans to exist. Such presumption would lead inevitably to the perpetration of *delicts*. This is precisely why taxation is necessarily cognitively consensual, and not pre-cognitively consensual. People have a natural right to deny it. — It's necessary to do similarly careful analysis of the Abrahamic covenant in order to discern whether it is entered and propagated by cognitive consent or by pre-cognitive consent. Genesis 17:9-14 makes it obvious that with the exception of Abraham, who clearly consented, people who enter the covenant do so without regard to their cognitive consent. This parallels entry into the covenant signified by circumcision in the Mosaic covenant, and entry into the covenant signified by baptism in the Messianic covenant. Because it's widely understood that baptism is a sign of the Messianic covenant the same way circumcision is a sign of the Abrahamic covenant, it should help to look at Reformed dispositions towards baptism. Doing so should help to expose argumentation over covenantal signs and seals, and should help in the pursuit of understanding Abrahamic circumcision.

Among Reformed Christians, there is a long-standing dispute between paedobaptists and credobaptists, *i.e.*, between believers in "infant baptism" and believers in "believer's baptism". To understand the crux of this dispute, and its application to understanding the Abrahamic covenant, it's critical to understand the relationship between Abrahamic circumcision and baptism. A good place to start this examination is in the Westminster Confession of Faith chapter 28:

> 1. Baptism is a sacrament of the New Testament … not only for the solemn admission of the party baptized into the visible Church; but also to be a sign and seal of the covenant of grace, of his ingrafting into Christ …
> 2. …
> 3. Dipping of the person into water is not necessary; but Baptism is rightly administered by pouring, or sprinkling water upon the person.
> 4. Not only those that do profess faith in the obedience unto Christ, but also the infants … are to be baptized.
> 5. … [G]race and salvation are not so inseparably annexed unto it [(baptism)], as that no person can be regenerated, or saved, without it; or that all that are baptized are undoubtedly regenerated.

> 6. …
> 7. The sacrament of Baptism is but once to be administered unto any person.[1]

This gives a clear overview of the Reformed paedobaptist position. Reformed credobaptists do not believe that infants should be baptized, but only those who profess faith, *i.e.*, those who have cognitive capacity and who consent to the ceremony. — It's crucial to understand that all of these claims from the WCF are derived from Scripture, and that these claims are heavily footnoted with Scripture citations in the actual text of the WCF. Similar rigor is characteristic of Reformed Baptists. — Among the several problems in this excerpt, one is that the WCF hereby claims that baptism is "a sign and a seal of the covenant of grace". As has already been made clear, this booklet holds that the covenant of grace is equivalent to the Adamic covenant, which appears in Genesis 3. After the Edenic covenant / covenant of works, each of the biblical covenants between man and God is a set of appendments and/or amendments to the pre-existing covenant. So the covenant of grace is a set of amendments and appendments to the covenant of works. For the WCF to claim, (a) that "Baptism is a sacrament of the New Testament", and (b)that it is "a sign and seal of the covenant of grace", is to ignore the fact that there have been several covenants between the Adamic covenant / covenant of grace and the Messianic covenant / "new covenant" / "New Testament". By apparently ignoring the Noachian covenant, Abrahamic covenant, and Mosaic covenant, the WCF's usage of "covenant of grace" in this context creates confusion by conflating the Messianic covenant and the Adamic covenant.

With it understood that the WCF's conflation of the covenant of grace and the Messianic covenant must be taken as error, even though it's undeniable that the Messianic covenant is the most advanced manifestation of God's grace in the Bible, it's possible to examine this excerpt from the WCF further. Under these circumstances, it's possible to restate this phrase from the WCF ch. 28 § 1 as, "sign and seal of the [Messianic covenant]". So § 1 would correctly read, "Baptism is a sacrament … also to be a sign and seal of the [Messianic covenant] … ". There being nothing inherently wrong with this corrected phrase, it can be compared to Genesis 17:11, which says that circumcision is "a sign of the covenant". But before doing that, circumcision / baptism being historically a controversial subject, it's important to admit the posture towards baptism advocated in this booklet. The author of this booklet agrees with Wayne Grudem, that,

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1 URL: https://reformed.org/documents/wcf_proofs/index.html, retrieved 17 September 2018.

> [B]aptism is not a "major" doctrine that should be the basis of division among genuine Christians[.][1]

Baptism is certainly a major doctrine because it is a sacrament. This author gives Grudem the benefit of the doubt by believing that Grudem meant that it's minor in the sense that genuine Christians should not create schisms over it. In the Abrahamic covenant, circumcision was a major doctrine and practice, which divided covenant insiders from covenant outsiders. Males who were not circumcised after the eighth day were outsiders. Being circumcised, by itself, didn't make one an insider, as is evident in the stories of Ishmael (Genesis 17:18-27) and of Shechem and his clan (Genesis 34). But not being circumcised certainly made one an outsider. This question of whether one is an insider or an outsider, relative to one of the local covenants, is a crucial aspect of the sign and seal of the covenant, regardless of whether the sign is circumcision or baptism. The crucial issue that relates to the Abrahamic covenant can be seen in a footnote that accompanies Grudem's statement above:

> Not all Christians agree with my view that this is a minor doctrine. Many Christians in previous generations were persecuted and even put to death because they differed with the official state church and its practice of infant baptism. For them, the issue was not merely a ceremony: it was the right to have a believers' church, one that did not automatically include all the people born in a geographical region. Viewed in this light, the controversy over baptism involves a larger difference over the nature of the church: does one become part of the church by birth into a believing family, or by voluntary profession of faith?[2]

The question is, are circumcision and baptism, as signs of their respective local covenants, sufficient to make one party to the covenant? Or should there be signs of cognitive consent to participation? This issue exists within a larger context, namely, where to draw the line between covenant insiders and covenant outsiders.

When Genesis 9:6 is recognized as in the jurisprudential genre of literature, and when parsed as such, it clearly shows where to divide people in compliance with the *negative-duty clause* from people who are not in compliance. In a similar manner, God gave Abraham circumcision as a sign of how to recognize whether someone is party to the Abrahamic covenant or not. Circumcision as a sign was adopted unchanged by the Mosaic covenant, and continues to be practiced by Rabbinical Jews today. To

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1 Grudem, p. 967.

2 Grudem, p. 967, note 3.

Rabbinical Jews, as well as to the Patriarchs of the *Torah*, circumcision is what Al Mohler calls a "first-order doctrine".

To protect the visible Church against secular assaults, Mohler has suggested that Christians should set theological issues into three tiers. The first tier is "those doctrines most central and essential to the Christian faith".[1] In Vos' words, these must be doctrines that arise out of objective-central and subjective-individual acts of redemption. In Mohler's words, these doctrines include "the Trinity, the full deity and humanity of Jesus Christ, justification by faith, and the authority of Scripture".

> The set of second-order doctrines is distinguished from the first-order set by the fact that believing Christians may disagree on the second-order issues, though this disagreement will create significant boundaries between believers. When Christians organize themselves into congregations and denominational forms [(*religious social compacts*)], these boundaries become evident.[2]

If people agree on first-order doctrines, then they can recognize one another as genuine Christians even if they disagree about second-order doctrines. Second-order doctrines create churches and denominations within the larger community of genuine Christians. Mohler places "the meaning and mode of baptism" in this "set of second-order doctrines". In this, he is probably in agreement with Grudem, who is also a Reformed credobaptist. This tiered system allows Reformed paedobaptists to worship and work together with Reformed credobaptists, although it wouldn't facilitate their participating together in the same local congregation or denomination.

"Third-order issues are doctrines over which Christians may disagree and remain in close fellowship, even within local congregations." These third-order issues are issues that have been historically called "adiaphora", things of indifference, or things not specifically forbidden or mandated by Scripture.

Using Mohler's system, it's evident that circumcision has moved from a first-order doctrine and practice under the Abrahamic and Mosaic covenants to a third-order issue under the Messianic covenant. Likewise, baptism replaced circumcision as the sign of the covenant under the Messianic covenant, and that's reasonably classified as a second-order issue. These changes show the influence of **progressive revelation** and progressive understanding.

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1 Albert Mohler, "A Call for Theological Triage and Christian Maturity", May 20, 2004. — URL: https://albertmohler.com/2004/05/20/a-call-for-theological-triage-and-christian-maturity-2/, retrieved 8 October 2018.

2 Mohler, "A Call for Theological Triage and Christian Maturity".

Mohler's system helps genuine Christians to know where to draw battle lines, on one hand, and where to live and let live, on the other. But his system needs to incorporate one more tier in order to be complete. That could be called the "set of fourth-order doctrines". This set defines issues about which genuine Christians will work with non-Christians. For example, if a Christian's non-Christian neighbor's house is on fire, the Christian will certainly help the non-Christian to put it out. Working together with non-Christians to satisfy the global covenant's *positive-duty clause* is another set of issues in which Christians should gladly participate, as the Lord leads. The distinction between *religious social compacts* and *secular social compacts* falls within this set of fourth-order doctrines. Like first-order doctrines, these can be very divisive, the way foreign wars and civil wars are divisive. There's more on this between here and the end of this booklet.

With a sketch of such a system of priorities in place, it's possible to look at the Abrahamic covenant with such a system in mind. Circumcision was a first-order doctrine to the Patriarchs. **Progressive revelation** was at such a rudimentary state under the Abrahamic covenant that parties thereto had little reason to be concerned about visible participation and invisible participation. Even though men could be circumcised without being party, men could not be party without being circumcised. Lack of circumcision was visible and incontrovertible evidence that one was not party. In contrast, it's been a doctrine in Christianity starting with the parable of the tares (Matthew 13:24-30), continued by Augustine of Hippo in his distinction between the visible and invisible Church, and adhered to by Reformed theologians up to the present, that one can receive the sign of the covenant at birth, but the existence of that sign doesn't guarantee that one is party to the invisible Church that's known only to God. Regardless of whether one is speaking of the Abrahamic covenant, the Mosaic covenant, or the Messianic covenant, the initial sign, regardless of whether it's circumcision or baptism, cannot guarantee that one is genuinely party to the given covenant. But under the Abrahamic covenant, there's no apparent concern about the distinction between the visible community and the invisible community. The circumcision of infants by parties to the Abrahamic covenant could in no way guarantee that the newly circumcised would grow into a man who would gladly consent to being party to the Abrahamic covenant. It was assumed that the tribal bond was so strong that no one worthy would want to leave the clan when he grew older. In none of these four covenants, the global, the Abrahamic, the Mosaic, and the Messianic, is there a guarantee that someone who gave pre-cognitive consent to participation will later give cognitive consent to participation. But even if the argument above in favor of global pre-cognitive consent to participation in the global covenant is convincing, there can be no argumentation for global pre-cognitive consent to participation in the local covenants, because the *in personam* jurisdictions

of the local covenants are local, not global. But can someone born into Abraham's family, through a descendant of Abraham, Isaac, and Jacob, be considered to be pre-cognitively party? The reason the question is important is because, if one is pre-cognitively party, then one is *ipso facto* also party to the invisible community formed by the given covenant.

Reformed people know that God is sovereign over everything without exception. Reformed people therefore know that if a given person is predestined by God to be a participant in one of His local covenants, then it must be positively true that that person has given pre-cognitive consent to participation in that covenant. On the other hand, every human is extremely limited in what he/she knows about what God has predestined. Therefore, people are extremely limited in what they can reliably claim about what pre-cognitive consent has been given, and what pre-cognitive consent has not been given. Therefore, humans under the regime of the local covenants cannot claim absolutely that someone else, including an infant, has given pre-cognitive consent to participation in the local covenant. Doing so may be seen as hopeful, but ultimately it must be understood to be playing God. Pre-cognitive consent to participation in the covenant can be relied upon as being true in the case of the global covenant, but it cannot be relied upon generally in the local covenants. An individual can certainly have faith that he/she gave pre-cognitive consent to participation in a local covenant, and can thereby have great assurance about his/her self. Likewise, people who have entered into mutual participation in a *religious social compact*, and who each believe that he/she gave pre-cognitive consent to participation in one or more of the local covenants, are reasonable in having faith that the other parties to the *compact* each gave pre-cognitive consent to participation. This line of reasoning tends to lead one into argumentation about whether what has just been said about participation in a *religious social compact* can also be said about participation in a family. In some respects, this is the argument between Reformed paedobaptists and Reformed credobaptists. It's a second-order concern. Because this booklet is focused on fourth-order doctrines, those revolving around Romans 13 passages, which inevitably interface with first-order doctrines, this booklet will examine this second-order issue only a little further. But it's critical to understand that the Abrahamic covenant was not a *religious social compact* that was based on cognitive consent. It was therefore a somewhat jurisdictionally dysfunctional *religious social compact*. It was more like a family that had strong God-centered traditions that started with Abraham's covenant with God.

The WCF clearly agrees that infant baptism is no guarantee that an infant will grow up to be regenerated (ch. 28 § 5). But something similar can be said about an adult who is voluntarily baptized. So-and-so cognitively consenting

to being baptized doesn't guarantee that so-and-so will not later repudiate his/her earlier confession. People can be saved without being baptized, and people can be baptized without being saved (ch. 28 § 5). Something similar is true for Abrahamic circumcision. Both circumcision and baptism are signs, not guarantees. They are signs of participation in the given covenant. — The explicit purpose of the Abrahamic covenant is not salvation in the normal Christian sense of that word.[1] The same can be said for the global covenant: Its explicit purpose is not salvation in the normal Christian sense of that word. Even though this is true, the Abrahamic covenant is much closer to being about salvation in the Christian sense. This is because the Abrahamic covenant should be understood to be the beginning of the Church on earth. There were certainly people who were saved, in the Christian sense, before Abraham.[2] But the covenantal foundation for the Church was laid in the Abrahamic covenant. With this fundamental accepted, it's possible to return to focusing on how people become party to these covenants, and the signs and seals thereof.

The same way baptism is a "sign" of participation in the Messianic covenant, circumcision is a "sign" of participation in the Abrahamic covenant. The comparison and contrast between the local and the global covenants can be distilled to this: In the cases of the global covenant, the Abrahamic covenant, the Mosaic covenant, and the Reformed paedobaptist interpretation of the Messianic covenant, a person who lacks cognitive capacity to consent to entry into a contract is being treated as though he/she has that capacity. Pre-cognitive consent can be relied upon as existing in the global covenant, regardless of the existence of later confirmation through cognitive consent. Because the Abrahamic covenant is almost entirely familial, pre-cognitive consent to participation is not an issue at all for its participants. The same is true of the Mosaic covenant. Pre-cognitive consent can be relied upon as existing in the Messianic covenant only when later confirmation through cognitive consent is given, or when constant affirmation of the covenant exists from infancy into adulthood. Because of its familial nature, there is substantial neglect of consent in the Abrahamic covenant that has propagated into paedobaptist sectors of modern Christianity by way of the Mosaic covenant.

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1 R.C. Sproul had a pat answer for people who asked him if he was saved: "Saved from what?" Only through the Messianic covenant can one be saved from eternity in hell. The Abrahamic and Mosaic covenants were precursors and prerequisites to the cutting of the Messianic covenant. They formed what the WCF called "a church under age" (ch. 19 § 3). Genuine parties thereto received such salvation, as foreshadowers of the Messianic covenant.

2 Examples: Abel, Enoch, and Noah are each mentioned as faithful in Hebrews 11:4-7.

As indicated, after the Babel division, knowledge of the importance of the *imago Dei*, as it exists in every fallen human being, was effectively blotted out. With knowledge of the *imago Dei* blotted out, concerns about consent as a crucial ingredient in the formation of covenants and contracts was also blotted out. This blotting out at the beginning of the ***many-nations epoch*** can be taken as a kind of secondary fall. God would deal with humanity as it existed at the time of this secondary fall. The plan for developing true miniature sovereigns after the primary fall required a great condescension on God's part, and great tolerance for human fallibility. That condescension and tolerance were for His elect. The best the non-elect would get would be common grace, terminated by death and hell. Because of the fact that knowledge of God's **preceptive will** regarding the natural rights polity had been blotted out, the Abrahamic covenant had this shortcoming in its terms whereby incorporation of people into the covenant would be by way of practically complete disregard of the new party's consent to participation. This shortcoming existed in the Abrahamic covenant by way of the fact that knowledge of the *imago Dei* had been largely blotted out at the Babel division. This shortcoming was propagated into the Mosaic covenant, and was even propagated into the early Christian Church. But there is nothing in the Messianic covenant that mandates that incorporation of parties without their consent be condoned or encouraged in this newest of all biblical covenants. On the contrary, the opposite is true. Nevertheless, the early Christian Church adopted this doctrine of infant baptism as a sign and seal of participation in the Messianic covenant, the same way circumcision of infants and slaves was a sign and seal of the Abrahamic covenant. Contrary to teachings clearly present in the New Testament, adoption of this doctrine tended to carry with it the Abrahamic neglect of the cognitive consent of prospective parties. That lack of regard for cognitive consent has tended to propagate even into the WCF, and even into the American conception of the social contract. Acquiescence to the covenant or contract is expected, and little or no allowance is made for peaceful denial of participation.

A "sign" in regard to covenants and contracts is equivalent to a signature on a modern contract. These days, it's generally illegal to forge someone else's signature on a contract. This is essentially what paedobaptists are doing each time they baptize an infant. It presumes that simply because the infant is born into a Christian family, the infant must be elect. God knows whether the child is elect or not. For humans to presume such knowledge is to play God. This kind of presumption detracts from otherwise rationally consistent theology. Even though such presumption may seem innocent at the time, it has hugely negative rational implications. This is as true of Abrahamic and Mosaic circumcision as it is for Reformed paedobaptism. But because of the doubly fallen nature of Abraham's circumstances and times, it's necessary

to be reticent about claiming that he was practicing forgery. As stated above, it's important to recognize the difference between **eisegesis**, which exists when one imposes modern prejudices on the biblical text, and recognition of a shortcoming in a biblical covenant, where that shortcoming is amended by a subsequent biblical covenant. Framing circumcision as forgery is almost certainly **eisegesis**. On the other hand, recognizing that neglect of cognitive consent is a shortcoming in the biblical covenant, where that shortcoming is later amended by a subsequent covenant, is merely maintaining rational context. In fact, the Messianic covenant amended the Abrahamic / Mosaic neglect of cognitive consent, so the comparison between a forged signature on a contract and infant circumcision as a sign of a biblical covenant is fitting from that perspective. It's an example of **progressive revelation**. — Even though paedobaptists may be practicing a kind of forgery of the infant's signature, no real damage is done to the child, and there's certainly no reason for secular authorities to interfere in lawful *religious social compacts*, and there's certainly no reason for genuine Christians to treat this as anything more than a second- or third-order concern. Even so, because of the negative rational implications of Reformed paedobaptism, it deserves slightly more examination.

According to John Gerstner, there are two pillars of the doctrine of infant baptism that must be destroyed in order for Reformed credobaptism to prove its superiority.[1] The first pillar is the identity of Old Testament circumcision and New Testament baptism. The second pillar is the identity of the Old Testament Church and the New Testament Church. The first pillar holds that just as circumcision was a sign and seal of the Abrahamic and Mosaic covenants, baptism is a sign and seal of the Messianic covenant. There is overwhelming Scriptural evidence to prove that this identity is true. So this pillar cannot be destroyed. The second pillar holds that the community built around the Abrahamic and Mosaic covenants, as given in the Old Testament, continued its existence as a community in the form of followers of the Messianic covenant. This claim is sometimes disputed by people who claim that there is a radical distinction, even separation, between Israel and the Church. In contrast to that presumed separation, Reformed theology holds that the mainstream of God's blessings went from the Old Testament Church to the New Testament Church, rather than to New Testament era Rabbinical Judaism. This doesn't mean that Israel and the Jews were replaced. Instead, Rabbinical Judaism is an aspect of the Church that in essence split off from the mainstream by failing to keep progressive understanding up to speed with **progressive revelation**. So this Reformed view

1 John Gerstner, **Handout Theology**, 1989, Ligonier video teaching series on systematic theology, lectures #86-89, especially #87. — URL: https://www.ligonier.org/learn/series/handout-theology/, retrieved 22 October, 2018.

that the Old Testament Church seamlessly transitioned into the New Testament Church is perfectly compatible with both Scripture and common sense. So this second pillar also must continue standing. So Gerstner's two pillars of Reformed paedobaptism that must be demolished in order for Reformed credobaptism to hold sway, should not ever be demolished. But was Gerstner right when he claimed that these two pillars must be destroyed for credobaptism to stand? No. The two pillars are true, but his premise was wrong.

There are two facts that must be kept in mind in dealing with these issues. First, it's critical that Christians follow what the Bible prescribes, rather than what it portrays as normal among people in its narrative. By having this orientation, Christians are better able to keep their progressive understanding up to speed with **progressive revelation**. Second, even if the identity of circumcision and baptism, and the identity of the Old Testament Church and the New Testament Church, are undeniably true, there is still this issue of consent at the heart of entry into the local covenants. In the privacy of one's own mind and heart, predestination and pre-cognitive consent may provide great assurance of one's participation in the covenant. But these don't translate well into voluntary communities composed of both wheat and tares, because no human has God's ultimate knowledge about who is saved, in the Christian sense, and who isn't. Playing God is the essence of presumption. Reformed Christians need to humbly accept the limitations that God has given them, and rely more on evidence from voluntary communication of commitment, and less upon evidence that's not very reliable, even though the Old Testament Church relied upon such evidence. As will be shown shortly, the Messianic covenant put such a premium on voluntary consent that presumption of consent without evidence of consent should be understood to have been abrogated.

When Christians have misgivings about the influence of the Old Testament upon the modern practice of their faith, their primary concern should be about idolatry that might arise out of such influence, but a close second should be this disregard for cognitive consent. Even though this is true, these misgivings should in no way diminish the Christian's respect for Abraham, the human father of the faith, the man who believed God, and had his belief accounted to him as righteousness (Genesis 15:6, Romans 4:3). Regard for cognitive consent is the product of centuries of **progressive revelation** and progressive understanding. It doesn't make sense to impose modern standards about cognitive consent on Abraham. It makes sense to recognize him as the founder of a constitution that went through centuries of amendment. Seeing these circumstances from the perspective of the two highest commandments of the Messianic covenant should help the reader to grasp the jurisprudential priorities of the Abrahamic covenant.

The Messianic covenant makes it clear that there are two commandments above all others: "'And you shall love the Lord your God with all your heart and with all your soul and with all your mind and with all your strength. The second is this: 'You shall love your neighbor as yourself.'" (Mark 12:30-31a; **ESV**) God's allowing Abraham to practice slavery, and to administer the Abrahamic covenant without the participant's cognitive consent, shows the priorities in God's plan of redemption. Both of these commandments are core features of the moral-law leg of the natural law. But the second is dependent upon the first. Under the Abrahamic covenant, loving God and the covenant was a first-order doctrine, like circumcision. But loving neighbor, especially if neighbor was to be defined as any covenant outsider, was far from first-order. People must learn to worship God before they have genuine appreciation for the image of God in other human beings. Ever since the fall, God has been meeting human beings at the level of their depravity rather than utterly destroying them. His primary purpose in doing this must be for the sake of helping miniature sovereigns in training to develop a community of God worshippers, the Church, because such a community of God worshippers is the natural habitat of miniature sovereigns. God overlooked Abraham's failure in regard to this second commandment, loving neighbor and therefore respecting his/her cognitive consent, because Abraham had committed himself to success in regard to the first commandment. Genuinely loving God is a necessary prerequisite to genuinely loving neighbor. So by committing himself and all of his to loving God, Abraham was submitting himself to true discipleship as a miniature sovereign in training, in spite of all the cultural baggage that he was carrying. The stark segregation of his covenant-keeping people from the rest of humanity was necessary in his cultural milieu. God's intentional disregard of His covenant partners' failures in regard to the second commandment, because of those partners' covenant commitment to the first commandment, also exists in the Mosaic covenant. The need for stark segregation from the rest of humanity existed in each.

This love towards God is a crucial feature of each of the biblical covenants. But God is holy, and humans are not, so it's necessary to love God in His holiness. One characteristic of the biblical covenants is that in each there is at least one Christophany or theophany, an appearance of Christ, God the Father, or both. The primary Christophany or theophany in the Abrahamic covenant appears in Genesis 15. That chapter describes a covenant-cutting ceremony. Abraham cut a heifer, a female goat, and a ram in half, making an aisle between the halves. That night, God appeared as "a smoking fire pot and a flaming torch", and "passed between these pieces" (v. 17; **ESV**). Abram was in dread and darkness (v. 12). This is Abram's natural human fear of the holy. Humans are fallen creatures, and any time they come in contact with the holy, it's natural for them to be intimidated to the point of dread. But

God made promises to Abram, and made a covenant with him, for His own good purposes and pleasure. In response, Abram loved God enough to walk in His ways. — While the Edenic and Adamic covenants have their own unique circumstances, each of the other four biblical covenants is accompanied by at least one theophany / Christophany, except that the Messianic covenant replaces the christophany with the actual appearance of Christ incarnate. Other possible Christophanies in the Abrahamic passage are at the appearance of Melchizedek (Genesis 14:17-24) and the appearance of "the LORD" in Genesis 18. These appearances are grounds upon which people should love God and seek participation in His local covenants. These facts have a profound interface with the fundamental nature of the Abrahamic covenant.

Profoundly dysfunctional governments have arisen out of practically every kind of culture on earth. This is as true of the cultures that have arisen out of the lineage of Abraham, Isaac, and Jacob as it is of any of the others. But there is a difference between this Abrahamic culture and all the rest. The rest are merely built around the need for societal organization and defense. Abrahamic culture is built primarily around their covenant with God, which was cut through christophany, and secondarily around the need for societal organization and defense. — At this point in the argument, multiculturalists, one-world religionists, and sophomores of all stripes, object by saying that the non-Abrahamic religions, meaning those that are neither Judaic nor Christian, are as valid as the Abrahamic religions. This essentially turns into the morass that is modern "comparative religion". The problem with comparative religion is that it starts with an anti-Judeo-Christian bias, ends with the same, is preoccupied with that bias throughout the interim, and refuses to acknowledge that bias throughout. This booklet being about biblical hermeneutics, it starts with the Bible and ends with the Bible, and claims in the interim that the Bible applies to everything under the sun, including religions and political philosophies that have arisen in the non-Abrahamic cultures. It's necessary for this booklet to turn a deaf ear to the mob of sophomores because they refuse to follow argumentation from beginning to end. The ultimately undeniable fact is that there is a profound difference between Abrahamic culture and the rest because of this fact that Abrahamic culture is built primarily around their covenant with God, and secondarily around the societal need for organization and defense.[1]

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1 In many respects, Islam has tried to mimic this orientation. But the Muslim conception of the attributes of God, the attributes of mankind, and many related doctrines, is so much at odds with reliable theology that Islam must be treated as a non-Abrahamic religion. While Rabbinical Judaism is an aspect of the Church that in essence split off from it by failing to keep progressive understanding up to speed with **progressive revelation**, Islam has never been part of the Church, and has even declared itself to be the

If it's understood that the appearance of God in Genesis 15 is a christophany, an appearance of Christ in the Old Testament, and if it's admitted that people party to the Abrahamic covenant are unique on earth because the pre-incarnate Christ made covenant with them through Abraham (17:7), then one sees the grounds upon which this claim to a unique and peculiar culture must rest. These people are following a God Who is leading them through millennia to a culture in which people love God above all, and love people because the latter have the image of God. God's covenant with Abraham was the beginning of this culture. Genesis prior to the Abrahamic passage merely defines the circumstances within which this Abrahamic culture must develop. This puts all the facets of the Abrahamic passage that rationally conflict with the natural-rights polity into a different perspective: God first; people second.

Abraham's practice of slavery, the Abrahamic covenant's neglect of cognitive consent, including that of infants, women, and slaves, can all be understood in a different light once one understands how unique this covenant with God is, and how different its long-term goals are from those of all the non-Abrahamic cultures. The cutting of this covenant establishes a migration path through which the standards of the natural-rights polity can be developed and manifest over millennia of **progressive revelation** and progressive understanding. This is to be accomplished through the gravity of participation in blood covenants. In order for this migration path to work, the priorities of God first, people second, must prevail.

In the culture into which Abraham was born, there were specific rites and rituals that were customary for the establishment of a covenant.[1] The meaning of the rite in Genesis 15 is this: By walking between the two halves of the animals that Abram cut in two, God is making an oath to Abram, essentially saying, "If I fail to keep my promises to you, Abram, then may I be split in half like these animals." This is like the objective-central aspect of the covenant. As indicated in Genesis 17, there is also a subjective-individual aspect that requires that Abraham circumcise himself and all the males in his household in perpetuity. There is an unspoken oath that goes with the rite of circumcision, saying essentially this: "If this newly circumcised male is unfaithful to this covenant, then may he be cut off and discarded like his foreskin." These oaths portray the gravity of the rites and rituals, but there are also other important legal ramifications.

The fact that a major term of the Abrahamic covenant pertains to circumcision stands as sure evidence that the Abrahamic covenant is a *religious social compact*,

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Church's avowed enemy. All this is evidence that their concept of God, "*Allah*", must be an angel or demon.

1 Meredith Kline, **Treaty of the Great King: The Covenant Structure of Deuteronomy: Studies and Commentary**, 1963, Eerdmans, Grand Rapids, MI.

and not a *secular social compact*. It may be jurisdictionally dysfunctional because of its neglect of consent, but it is nevertheless much closer to being a *religious social compact* than a *secular social compact*. (i)Circumcision was obviously a crucial part of the subject-matter jurisdiction of the covenant. (ii)The *in personam* jurisdiction of the covenant is seen in part by way of the above examination of Abrahamic circumcision. Males were generally inducted into participation in the covenant by way of involuntary means. Although there's not much said about women as parties to the Abrahamic covenant, it's understood that in keeping with cultural norms, women were dependent people, even property, like slaves, whose cognitive consent was negligible. Like slaves and infants, they were automatically participants. From the perspective of the natural-rights polity, these are legitimate approaches to the internal management of a *religious social compact* as long as inducted people have the ability to repudiate the *religious social compact* whenever they have the cognitive capacity to do so, and to reject it without having *delicts* perpetrated against them in the process. But this, of course, is, at best, imposition of values of the Messianic covenant upon people who lived prior to the Messianic covenant's existence. (iii)It's clear that the Abrahamic covenant exists wherever parties to it exist, even on territory that they don't own, and over which they can only have very limited jurisdiction. This is evident in Genesis 15:13-16, where God tells Abram that his descendants would be slaves in Egypt, but God would bring them out. Slaves by definition have extremely limited territorial claims. But God tells Abram that He would give his offspring all the land "from the river of Egypt to the … river Euphrates". It's reasonable to assume that Abram's descendants would be able to freely exercise the territorial jurisdiction of the Abrahamic covenant under these liberated circumstances. The Messianic covenant makes it clear that if this Abrahamic territorial standard is pursued after the Messianic covenant has been cut, then that pursuit must be geared to acknowledge the natural rights of those non-parties in the process.

The promise to Abraham that he would be the "father of a multitude of nations" (Genesis 17:4,5; 22:18) is repeated to Isaac (Genesis 26:4) and Jacob (Genesis 35:11). The "great nation" and "multitude of nations" promises are crucial to the proper interpretation of Jacob's bequests to his sons in Genesis 48 and 49. These bequests have a prophetic quality that has explanatory power in the interpretation of later biblical history.[1] The "multitude of nations" term of the covenant is critical to American Christians because it relates directly to how much they should expect all the pluralistic peoples that constitute the American "melting pot" to be assimilated, to conform to a single standard of behavior, and the extent to which they should NOT

1 Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 8, "Two-House Portal", especially Section e, "Abrahamic Origins". — URL: http://BasicJurisdictionalPrinciples.net.

expect this. Other than these factors, the law in the Abrahamic covenant has little direct impact on the discovery of secular human law in the Bible.

Because jurisdictional dysfunction has been the norm since the Tower of Babel, ignorance about lawful jurisdictions has been the norm. Given this kind of norm, there's no wonder that government by consent is generally considered unrealistic and idealistic. But common sense says that government by consent is unrealistic only if the know-how necessary to make government by consent viable is missing. Even though the Bible doesn't explicitly say that governments are built with contracts, according to any reasonable reading of it, lawful human governments can be instituted among human beings only by way of contracts, and only in conformity to the duties in Genesis 9:6. The fact that jurisdictional dysfunction has been the norm since Babel indicates that government by consent has NOT been the norm. All this goes to show that covenant-keeping people should not model their jurisprudence after what's been biblically normal, but only after what's been biblically prescribed. People party to the Messianic covenant need to build communities based on *religious social compacts* and *secular social compacts*. The Abrahamic covenant is the first of the Bible's three local covenants that provide basic guidelines by which to build such *religious social compacts*. — It's also important to understand that the same way that slavery was abolished in Christendom through progressive understanding of the Bible, statism also needs to be abolished. That abolition depends upon recognition of the importance of consent.

In the words of Geerhardus Vos, Paul's

> main contention with the Judaizers was that they insisted upon interpreting the patriarchal period on the basis of the Mosaic period. … [T]hrough … Abraham the relation between God and Israel was put on a foundation of promise and grace; this could not be subsequently changed ….[1]

Under the Abrahamic covenant, the global natural-rights laws were dormant, even though they were part of the Abrahamic covenant as surely as they were global and perpetual. The Abrahamic covenant was a *religious social compact*, but its covenantal requirements were so sparse that there's no doubt that it was based on God's promises and God's grace, and not on human performance. In contrast, the Mosaic covenant is so thick with laws that it tends to have the appearance of being based on human performance. Clearly the Judaizers misconceived the Mosaic covenant as being based on human performance rather than on God's promises and grace. Paul knew that the Judaizers misconstrued the Mosaic covenant, and he knew that they emphasized human performance at the expense of promises and

1 Vos, p. 79.

grace. It's clear that the Pauline approach is that human performance must grow out of promises and grace, not supplant them, diminish them, or usurp them in any way. — The approach to bringing Genesis 9:6-grounded natural-rights law out of dormancy necessarily follows the Pauline standard. To put the emphasis on human performance in this pursuit is to put the emphasis on group-think, on concerns about what other people think rather than about what God thinks. The group-think emphasis is a mental act of esteeming the opinions of men more highly than the promises and grace of God. If efforts at bringing natural-rights law out of dormancy are to be successful, then the emphasis must be on God's promises and grace. The emphasis must be on God, because only by genuinely loving God can the image of God in other people be esteemed highly enough to maintain an emphasis on natural rights for all people.

Sub-Chapter 2:
The Mosaic Covenant
(Exodus 1:1-Malachi 4:6)

(i) Mosaic Covenant in General

The twelfth chapter of Exodus describes the cutting of the Mosaic covenant. Similar to the way God made covenant with one man, Abram, in Genesis 15, He confirmed the Abrahamic covenant by cutting a new covenant with those still party to the Abrahamic covenant, as narrated in Exodus 12:1-30. Similar to the way Abram split animals in two, and made an aisle for God to walk as part of the covenant-creation ceremony, the people of Israel killed lambs and put the blood of the lamb on the doorposts and lintels of their houses; and God went through the streets of Egypt and allowed the destroyer to kill all the firstborn in the land, passing over all the houses marked with blood. This is the tenth plague, death of the firstborn, but it was also a solemn covenant-cutting ceremony, in which God confirmed His covenant with Abraham by confirming it with Abraham's descendants. This event resulted in Pharaoh's dismissal of the Israelites from Egyptian bondage (12:31-42). So they were released after the 400 years that God told Abram they would be in bondage (Genesis 15:13).[1]

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1 There is a discrepancy between the 400 years indicated in Genesis 15:13 and the 430 years indicated in Exodus 12:40-41. Furthermore, tradition in Rabbinical Judaism has long held that both numbers conflict with the genealogy given in Genesis 46:8-27. To reconcile these discrepancies, Rashi calculated that, "The actual sojourn in Egypt lasted 210 years". So the tradition says "that Exodus 12:40 cannot be taken literally". However, newer rabbinical research indicates that Genesis 15:13 and Exodus 12:40-41 should be taken literally, and can be reconciled by differences in where the count begins. Under this

Like the passage from Genesis 11:10-Genesis 25:8, where covenant terms appear scattered throughout that historical narrative, covenant terms of the Mosaic covenant appear strewn throughout the historical narrative in Exodus 1:1-Deuteronomy 34:12, the post-Genesis part of the *Torah* (*Pentateuch*). Of course, case law imposing the terms of the Mosaic covenant also appears in these books. Case law also appears scattered throughout the historical narrative from the end of the *Torah* to the end of the Old Testament, the *Tanakh*. Because this booklet is focused on discovering secular human law and the basic structure of the biblical covenants, the focus here is on aspects of this covenant that most contribute to this agenda. That's why this booklet will again rely upon existing Reformed **exegesis** to fill in whatever gaps this discussion may leave.

Even though Exodus 12 depicts the cutting of the Mosaic covenant, God starts conveying the terms of the Mosaic covenant much earlier in Exodus, and He continues conveying terms, mostly through the mediation of Moses, to the end of Deuteronomy. Although much of the *Torah* is historical narrative, much of it also falls within the jurisprudential genre. Contractual / covenantal components, including offer, parties, consideration, obligations, benefits, penalties, duration, signs, *etc.*, appear scattered throughout these four books of Moses. Like the passage of Genesis pertinent to the Abrahamic covenant, these books have been poured over, largely reliably, by scholars, for centuries, with due recognition of their covenantal nature. So this examination will largely defer to existing Reformed scholarship as largely valid. There is no need here to parse these books into covenant components, as was done with the Edenic, Adamic, and Noachian covenants. The emphasis here is on discovering (i)how the biblical description of natural law appears in the Mosaic covenant, (ii)how the Abrahamic and Mosaic prescription of human law appears in this covenant, (iii)how the global prescription of human law appears in this covenant, and (iv)the basic jurisdictional features of the covenant.

As already indicated, one characteristic of the biblical covenants is that God appears in the covenant-creation process. In fact, Christophanies / theophanies are abundant in the post-Genesis *Torah*. It's reasonable to interpret Exodus 3:1-4:17 as an appearance of Christ in the burning bush. It's reasonable to see every instance of God speaking to Moses throughout the *Torah* as Christ speaking to Moses. It's reasonable to see each of the ten plagues as miracles worked by the pre-

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newer research, Genesis 46:8-27 should be understood differently from what the tradition holds. — David Gadeloff, "How Long Was the Sojourn in Egypt: 210 or 430 Years?", **Jewish Bible Quarterly**, July-September 2016. — URL: http://jbqnew.jewishbible.org/jbq-past-issues/2016/443-july-september-2016/long-sojourn-egypt-210-430-years/, retrieved 10 October 2018.

incarnate Christ. It's reasonable to see each occurrence of pillars of cloud and fire as manifestations of the pre-incarnate Christ. Although these cannot be proven to be Christophanies, they cannot be proven not to be Christophanies either. Because it's rationally consistent with the rest of the Bible, this author prefers to see most of the miracles in Exodus-Deuteronomy as being worked through Christophanies. This regimen means that the miracle at the Red Sea was a work of Christ (Exodus 14), the miracle at Marah was a work of Christ (Exodus 15:22-25), the manna from heaven was a work of Christ (Exodus 16), the two tablets written with the finger of God was a work of Christ (Exodus 31:18), *etc.*, *etc.*, *etc.*

While Exodus 12 depicts the covenant-cutting ceremony similar to the covenant-cutting ceremony in Genesis 15, Exodus 19 narrates the human side of the covenant confirmation, like Genesis 17. In Exodus 19:6, God indicates that He intends to make the people of Israel "a kingdom of priests and a holy nation". In Exodus 19:8, "the people answered together and said, 'All that the Lord has spoken we will do.'" They thereby indicated that they intended to participate in this covenant, and to be the people that God intended them to be. In Exodus 20, God starts indicating in more detail what the terms of this covenant are. He starts by giving the Decalogue, which are ten important aspects of the moral-law leg of the natural law. Then Exodus 20:22-23:19 provides an exposition of what God expects from the people. The emphasis in these four chapters is on what the people shall and shall not do, on positive and negative laws, but not so much on penalties. When penalties are given, where those penalties are to be executed by human against human, it's certain that these are not merely moral laws, but human laws as well. In Exodus 23:33, God promises the people to send an angel before them to lead them to the promised land, and to lead the people in driving out the indigenous tribes. In Exodus 24, the people more thoroughly and explicitly confirm their participation in the covenant. Exodus 25:1-31:11 is dedicated to the design of the tabernacle and the accoutrements thereto. Exodus 31:12-17 explains the importance of the Sabbath. When God finished explaining all these things to Moses, He wrote the Decalogue on two tablets of stone, "written with the finger of God" (31:18).

The rest of the *Torah* is a mixture of historical narrative and descriptions and promulgations of laws. It's far outside the scope of this booklet to parse biblical law from biblical fact throughout the rest of the *Torah*, much less to examine all these laws. However, there are two sets of scholars who have examined the Mosaic covenant thoroughly from their different perspectives, and these will facilitate further examination of the *Torah*. By comparing and contrasting the findings of these two schools, it should become evident how this extended Reformed hermeneutic should approach these important books of the Bible. The first set of scholars is the set of

Reformed theologians, as represented by the Westminster divines who wrote the Westminster Confession of Faith. The second set of scholars is the set of rabbinical theologians, represented by Maimonides. Both of these sets of scholars have huge respect for the *Torah* and the *Tanakh* / Old Testament in general, even though rabbis may have no respect at all for the New Testament.

Although Hugo Grotius was an Arminian, and was therefore not among these two sets of scholars, he was educated in monergistic theology, and was therefore not completely unreliable. He rightly speaks of Israel as being the nation "God particularly vouchsafed to give laws". He rightly says that "the law does not bind those, to whom it has not been given."[1] He continues in the next section by saying that the law of Moses "imposes no direct obligation on us". But, "[W]hat it enjoins is not contrary to the law of nature".[2] Because Christians are by definition party to the Messianic covenant, they cannot be directly subject to the laws of the Mosaic covenant. But they can certainly be indirectly subject. Grotius admits this by claiming that "Christian princes" have leeway to enact laws like those of Moses. Assuming that such "princes" are replaced by lawful *secular social compacts* and *religious social compacts*, and therefore by jurisdictionally lawful authority, it's reasonable that Mosaic law could have such indirect authority over Christians. In fact, when Christ stresses the importance of keeping His commandments (John 14:15, 21; 15:10), He makes it critical to understand specifically how much of Mosaic law propagates forward into the Messianic covenant, and how much of it does not. Given that each biblical covenant after the Edenic is a set of amendments and appendments to the pre-existing covenant, it's critical to understand this. It's this author's belief that neither the Westminster divines nor the rabbinical scholars are sufficiently reliable in making this determination. But examining their work, and comparing and contrasting their respective works to Scripture, should facilitate discovery of what propagates from the Mosaic into the Messianic and what doesn't.

(ii) Preliminary Conclusions

The Westminster divines recognize three kinds of law in the Mosaic covenant. These appear in the Westminster Confession of Faith, Chapter 19, "Of the Law of God". These three are the moral law, the ceremonial law, and the judicial law. Although there are numerous commandments in the *Torah*,[3] the Westminster divines, following clear inferences in the New Testament and, secondarily, prior monergistic

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1 Grotius, Book I, Chapter 1, Section XVI.

2 Grotius, Book I, Chapter 1, Section XVII.

3 The mainstream of Rabbinical Judaism follows the Talmud in holding that there are 613 laws, 365 negative and 248 positive.

theologians, categorized this plethora of laws into these three superintending categories. This categorization is reliable in some respects, but in some respects not. One problem is that those divines did not first parse Genesis 9:6 as a jurisprudential genre of literature, and they thereby left their treatment of the Mosaic covenant somewhat unreliable from that perspective. But they also erred in other ways.

(i)This moral law, this "perfect rule of righteousness" (ch. 19 §§ 1-2) given to Adam and Eve at the creation, was summarized in the ten commandments, in which the first four described duties towards God, and the other six described duties towards mankind. The moral law is perpetual and can never be abrogated, because it is the rule of perfect obedience that God gave to humans at creation. For as long as humans exist, the moral-law leg of the natural law will exist.

(ii)According to WCF ch. 19 § 3, the ceremonial law is "partly of worship" and "partly, holding forth divers instructions of moral duties". So according to the WCF, "ceremonial laws" include laws that pertain to the calendar of ceremonial events, the administration of such events, the construction and maintenance of the tabernacle, and numerous other "moral duties", such as dietary laws, laws pertaining to cleanness, and numerous other things. According to the WCF, the ceremonial laws have been abrogated.

(iii)According to WCF ch. 19 § 4, judicial laws "expired together with the State of that people". Being expired, they no longer apply "further than the general equity thereof may require". So according to the WCF, their pertinence to the modern era depends upon their "general equity".

Although there's no doubt that the perpetual moral law can never be abrogated, the claim that the ceremonial law has been abrogated, and the claim that the judicial law has expired, may both appear to be playing fast and loose with Scripture. So both of these claims demand more thorough examination. Although what the WCF says about the moral law and the ten commandments is largely reasonable and compatible with the reasoning herein, there are problems in the divines' appraisal of "ceremonial laws" and "judicial laws".

(1) The Moral Law:

The WCF contends that the covenant of works by which humanity attained, and retained, sinless relationship with God through obedience to such law, "continued to be a perfect rule of righteousness" after the fall (WCF ch. 19 § 2). This is fundamental, and should be recognized as obvious and self-evident by anyone who has read and understood the examination of the Edenic and Adamic covenants above. This section of the WCF continues by claiming that the laws / terms of the covenant of works were "delivered by God upon Mount Sinai, in ten commandments". Contrary to

some misinterpreters, this is not to say that the Israelites lived under the covenant of works the same way Adam and Eve did, maintaining grace from God only through their meritorious performance. As Vos made clear, the foundation of the Abrahamic covenant was "promise and grace", and that foundation extends naturally to heirs of the Abrahamic covenant under the Mosaic covenant. Obedience and performance were important, but only on the more fundamental foundation of promise and grace, because the Israelites, like all humans, were and are incapable of performing at the standard required by the covenant of works. Nevertheless, the ten commandments were manifestation of special **progressive revelation**. They articulated aspects of the moral-law leg of the natural law. Without such articulation, humans are prone to being even further at odds with the natural law, and even further dislocated from their callings to be fully formed miniature sovereigns. Because the moral law exists forever, God's articulation of the ten commandments was a blessing to the Israelites, and to all who have been influenced by them.

The WCF's representation of the moral law is consistent with this booklet's representation of it in its **exegesis** of the Edenic and Adamic covenants. The articulation of the moral law in the ten commandments, as interpreted by the WCF, is also mostly consistent with this booklet.

> The moral law doth forever bind all, as well justified persons as others, to the obedience thereof; and that, not only in regard of the matter contained in it, but also in respect of the authority of God the Creator, who gave it. Neither doth Christ, in the gospel, any way dissolve, but much strengthen this obligation. — WCF ch. 19 § 5

The WCF and this booklet agree that the moral law applies to all humans. One big difference between this booklet and the WCF on this issue is their respective answers to this question: Should moral law generally be translated into human law? This booklet says emphatically not, while the Westminster divines would have not been so emphatic. All people are bound by the moral-law leg of the natural law, but the ultimate enforcer of the natural law is God, and humans are disqualified from enforcing most of it.

(2) The Ceremonial Law:

The WCF's complete section on ceremonial law reads as follows:

> Beside the law, commonly called moral, God was pleased to give to the people of Israel, as a church under age, ceremonial laws, containing several typical ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly, holding forth divers instructions of moral duties.

> All which ceremonial laws are now abrogated, under the new testament. — WCF ch. 19 § 3

There are three footnotes in this section, each of which cites passages in the New Testament to give authority to the section's claims. The first footnote appears at the end of the phrase, "Christ, his graces, actions, sufferings, and benefits". It cites Hebrews 10:1, Galatians 4:1-3, Colossians 2:17, and Hebrews 9:1-28. Hebrews 10:1 states:

> For since the law has but a shadow of the good things to come instead of the true form of these realities, it can never, by the same sacrifices that are continually offered every year, make perfect those who draw near.
>
> (Hebrews 10:1; **ESV**)

The leading "For" indicates that 10:1 is the continuation of an argument in chapter 9. Chapter 9 presents Christ as the high priest who entered the holy places of the tabernacle that was not made with human hands, and offered His own blood as a single sacrifice that would be perpetually efficacious in the remediation of sin, both for those who lived before the sacrifice and those who lived after it. This clearly meant that the sacrifice of goats, bulls, calves, heifers, *etc.*, was no longer necessary. Such sacrifices had been mandated by the Mosaic covenant to foreshadow and prefigure this singular efficacious sacrifice by the Messiah, the high priest above all. Because the Messiah's sacrifice had, in fact, been performed by *Yeshua Ha Meshiach* at His crucifixion, there was no longer any need for foreshadowing and prefiguring. In fact, the continuation of those sacrifices was a *de facto* denial of Christ's sacrifice, and was therefore an act of blasphemy. While Moses was the mediator of the Mosaic covenant, Christ is the mediator of the Messianic covenant, and the Messianic covenant is the fulfillment of all the Mosaic covenant's foreshadowing and prefiguring.

> And just as it is appointed for man to die once, and after that comes the judgment, so Christ, having been offered once to bear the sins of many, will appear a second time, not to deal with sin but to save those who are eagerly waiting for him.
>
> (Hebrews 9:27-28; **ESV**)

This puts 10:1 in context. At the writing of Hebrews, Christ had just come, entering the Holy of Holies and making His sacrifice once forever, and dealing with the sin of all of His elect, both of those before and of those after the sacrificial event. He would come again, not to deal with the sin of His elect, but to save them from something other than their sin. So, in keeping with 10:1, the Mosaic law, at least the sacrificial aspect thereof, was a mere shadow of the realities, "the true form of these realities", manifest in perfection and finality by the Messiah.

The sacrificial aspect of the ceremonial law existed entirely under the rubric of dealing with sin, and prefiguring Christ's ultimate dealing with sin. This is confirmed by each of the other citations in the first footnote. But there are aspects of this ceremonial law that do not seem to pertain to sacrifices. This can be seen in Colossians 2:16-17:

> Therefore let no one pass judgment on you in questions of food and drink, or with regard to a festival or a new moon or a Sabbath. These are the shadow of things to come, but the substance belongs to Christ.
>
> (Colossians 2:16-17; **ESV**)

This is not about sacrifices that are now blasphemous to perform. Although everything in the Abrahamic and Mosaic covenants can be rightly understood to be "the shadow of things to come", some of those things directly foreshadow, specifically, the sacrifices of the Messianic covenant, while other things are more like penumbras than direct foreshadows. So Mosaic laws pertinent to food and drink, festivals, new moons, and Sabbaths, where such things do not pertain directly to the sacrifices that culminated in Christ's sacrifice, are like partial shadows, things that are neither in complete shadow nor in complete illumination. This is probably not an important distinction for people who have no inclination to be swayed by "questions of food and drink, or with regard to a festival or a new moon or a Sabbath". But to Jewish Christians, this can be a crucial distinction. The question reduces to this: Must Jews surrender their ethnic identity in order to become genuine Christians? If these things, food, drink, festivals, new moons, and Sabbaths, negate fundamental, first-order Christian doctrines, as those Christ-foreshadowing sacrifices certainly do, then the answer is certainly, "Yes", these aspects of the Jewish person's ethnic identity must be surrendered in order for that Jewish person to be a genuine Christian. The reason that Paul was radically opposed to the Judaizers was precisely because the Judaizers thought that they could be Christians and oppose fundamental Christian doctrines at the same time. Any Jew who believes this is wrong, and any genuine Christians should kindly tell him/her so. And of course no genuine Christian should allow his/her self to be swayed by such opinions of such Judaizers. On the other hand, do all ethnically Jewish food, drinks, festivals, new moons, and Sabbaths fall unequivocally into this category of sacrifice-foreshadowing doctrines and practices? The sacrifice of goats, bulls, *etc.*, certainly falls into this category of doctrines and practices that negate Christian first-order doctrines. But all of these ethnically Jewish things mentioned in Colossians 2:16-17 are more like penumbras than full foreshadows. The reason Paul is emphatic about these things in Colossians 2, and in practically all of his epistles, was because he was writing to Gentile Christians who were vulnerable

to Judaizers. Better to negate practically everything that's ethnically Jewish than to allow Judaizers, or anyone else, to openly negate first-order doctrines.

Because the non-sacrificial aspect of the ceremonial law is more in the nature of penumbras than of full foreshadowings, they come into the Messianic covenant more as adiaphora than as challenges to first-order doctrines. They were certainly challenges to first-order doctrines in Paul's day, and he was right to be rigorous and demanding about these issues. In the present age in which monumentally bad theology is rampant, there is certainly a danger of revival of the Judaizer cult in some respects, and there is surely a demand to be on guard against idolatry constantly. Even so, genuine Christians should allow genuine Jewish Christians to have their ethnic adiaphora the same way they allow Christians from other ethnicities to have their ethnic adiaphora. They are second-order or third-order issues. In Mark 7:15 Christ makes it abundantly clear that the rabbinical obsession with eating only "clean" food is not an issue over which people should divide under the Messianic covenant. But that doesn't mean that people who want to abide by strict rabbinical guidelines, as a personal choice not to be imposed on others, and within the overriding context of genuine Christianity, should be forbidden from doing so. It means that it's adiaphora, and people can keep the guidelines or not as they see fit, without imposing. This allows ethnic Jews who are genuine Christians to follow standards of food and drink, festivals, new moons, and Sabbaths, as adiaphoristic cultural conventions, without any judgments from or upon genuine Christians who don't happen to have those ethnic inclinations.

It's important to notice that WCF ch. 19 § 3 says that ALL the ceremonial laws are abrogated. It's important to reiterate that those aspects of the ceremonial law that pertain to looking forward to the coming of the Messiah, and to his sacrificial atonement, have most certainly been abrogated, because the Messiah has come, and to continue those practices is clearly a repudiation of the Messiah's sacrificial death, atonement, and resurrection. At the same time, there are two important related considerations that mitigate the absoluteness of this abrogation of ceremonial law described by the WCF: (i)Not all of what is encompassed by the Westminster divines' "ceremonial laws" pertains to such sacrificial, foreshadowing ordinances. As already implied, eating and cleanness laws of the *Torah* appear to be encompassed by "divers instructions of moral duties", and they appear to have little to do with those now-blasphemous sacrifices.[1] In order to know specifically how to divide the penumbra from the full shadow, it will be necessary to examine ceremonial law in much more detail. (ii)The Mosaic covenant is inherently a prototypical *religious*

1 Or at least they are at most indirectly related to such sacrificial, foreshadowing ordinances.

social compact. As such, if people genuinely consent to participation, then regardless of how bizarre the laws and practices of such a *religious social compact* may appear to outsiders, those people get to exercise their religion the way they want, assuming that they don't violate the *secular religion* in the process. So regardless of whether those "ceremonial laws" are sacrificial or non-sacrificial, blasphemous or non-blasphemous, full foreshadows or penumbras, if they don't violate the *secular religion*, then they are outside the lawful subject-matter jurisdiction of any lawful *jural society*. So even if these practices are hideously evil to genuine Christians, if the practices don't violate the *secular religion*, then those Christians have no business interfering in those practices of the Mosaic covenant with either direct force or jurisdictionally dysfunctional government.

Under the Messianic covenant, non-sacrificial aspects of the ceremonial law shift from being mandatory, first-order doctrines under the Mosaic covenant to being adiaphoristic. This can be seen in circumcision, which continues to be a first-order doctrine under the Mosaic covenant. Because the Westminster divines presume to categorize all Mosaic law into moral law, ceremonial law, and judicial law, and because circumcision is too arbitrary to fit neatly into the category of moral law, it must be either ceremonial or judicial. If it is ceremonial, then it turns completely adiaphoristic under the Messianic covenant. In other words, for genuine Christians, it is adiaphoristic. Genuine Christians may choose to be circumcised for medical reasons, and that should be no concern to any other Christian. Circumcision is thereby genuinely abrogated for non-Jewish Christians. But for Jewish Christians, circumcision and the other non-sacrificial ceremonial laws have not been so much abrogated, as demoted to adiaphora.

Bible passages cited under the second footnote of the WCF ch. 19 § 3, meaning under the rubric of "divers instructions of moral duties" within "ceremonial laws", are these: Leviticus 19:9-10, 19, 23, 27; Deuteronomy 24:19-21; 1Corinthians 5:7; 2Corinthians 6:17; and Jude 23. All the verses cited in Leviticus 19 clearly become adiaphoristic under the Messianic covenant. The same is true for the verses in Deuteronomy 24. The three passages in the New Testament confirm that genuine Christians should assiduously avoid all pretense to being able to earn their way into God's grace. The Messianic covenant is based on "promise and grace", and is entered only through God's grace. So salvation from hell is utterly monergistic, done entirely by God. Sanctification, on the other hand, is synergistic, done through interactive communication between God and human. With these facts in mind, the regenerate need to approach adiaphora, and second- and third- order activities in general, in accordance with God's leading, and according to their vocations and consciences.

There are six Bible passages cited under the third footnote in § 3, under the rubric of, "All which ceremonial laws are now abrogated, under the new testament." They are Colossians 2:14, 16-17; Daniel 9:27; Ephesians 2:15-16; Hebrews 9:10; Acts 10:9-16; and Acts 11:2-10. Because Colossians 2:14 precedes Colossians 2:16-17, which has just been examined, it's important to know what verse 14 says, and whether it changes the interpretation of 16-17 just given:

> [Y]ou, who were dead in your trespasses and the uncircumcision of your flesh, God made alive together with him, having forgiven us of all our trespasses, by canceling the record of debt that stood against us with its legal demands. This he set aside, nailing it to the cross.
>
> (Colossians 2:13-14; **ESV**)

These two verses make it clear that through the objective-central act of crucifixion, which was the cutting of the Messianic covenant, God's elect become justified through the perpetual remission of their sins, and they experience this as subjective-individual redemption. Each of these elect was "dead in … trespasses" against the moral law, and "dead in … uncircumcision", being, as Gentiles, people who were outside the Abrahamic and Mosaic covenants, outside the covenants of promise into which the Messiah was born. Through this objective-central act, these violations of natural and divine law were canceled as "legal demands", being nailed to the cross. — This passage gives the reasons for the Gentile Christians to be bold in rejecting arguments and judgments of Judaizers (vv. 16-17), as well as others who attempt to entice into "asceticism and worship of angels", people who would rather add to or amend the Bible than abide by it. So the Westminster divines' citation of Colossians 2:14 in no way contradicts the interpretation of 2:16-17 given above.

Daniel 9:27 is embedded in an eschatological passage, an explanation by the angel Gabriel to the prophet Daniel, of things to come. It's outside the scope of this booklet to interpret this eschatological passage, but it's fitting to speculate on how the Westminster divines were interpreting it in reference to cessation of "ceremonial laws". — After the temple was rebuilt, after the sacrifices were reinstated, and after the fulfillment of the sacrifices by the Holy One of Israel, the sacrifices became blasphemous, as a *de facto* denial of the final sacrifice offered by the Messiah. Rabbinical Jews carried on those sacrifices throughout the interim between the crucifixion of the Messiah and the destruction of Jerusalem and the temple by the Romans in 70 A.D. This is probably the course of events in view by the Westminster divines in their citation of this verse to argue for abrogation of "ceremonial laws". So they are saying that because God made it impossible for Rabbinical Jews to carry on their temple sacrifices, and did so by destroying the temple, both Rabbinical Jews

and Jewish Christians should avoid going against God's will by reinstating those sacrifices.

The emphasis in Ephesians 2:15-16 is on breaking down "the dividing wall of hostility" (v. 14) between Jew and Gentile by "abolishing the law of commandments" (v. 15). This abolition without doubt pertains to "law of commandments" whose subject matter is the sacrifices, as already argued above. The Westminster divines are clearly leading people to believe that this abrogation is much broader than just sacrifices, and applies to all ceremonial laws. Precisely how to rightly divide this is something yet to be determined.

Hebrews 9:9-10 indicates that in the "Holy Place", which is outside the "Most Holy Place", "gifts and sacrifices are offered that cannot perfect the conscience of the worshiper, but only deal with food and drink and various washings, regulations of the body imposed until the time of reformation". Following the argument throughout chapter 9, it's evident that "time of reformation" refers to the redemption that Christ bought through His bloody sacrifice. This passage from Hebrews does nothing to countermand the understanding of "ceremonial laws" that's already been presented here.

Acts 10:9-16 is Peter's vision as he was on Simon the tanner's housetop. The message of the vision is this: "'What God has made clean, do not call common.'" This is in reference to the Mosaic distinction between clean and unclean food. This issue has also already been addressed in what's been said above about Mark 7:15. There's nothing salvific, in the Christian sense of the word, about keeping a kosher diet. To genuine Christians, it should be adiaphora, and nothing more. The Westminster divines' citation of this passage confirms that they intended to encompass much more than foreshadowing, prefiguring sacrifices within the ambit of "ceremonial laws". — Acts 11:2-10 describes Peter's telling this vision to people of the "circumcision party". It confirms what has already been said.

The preliminary conclusion regarding "ceremonial laws" is that contrary to the WCF, not all such laws are abrogated. Those that prefigure and foreshadow Christ's objective-central sacrifice are absolutely abrogated. It would be foolish even for Rabbinical Jews to practice them, because God would be against them the same way He was against them in 70 A.D. No genuine Christian should ever use force to stop them the way the Romans used force against them in 70 A.D. But all the forces of nature, perhaps including forces of people who are not genuine Christians, would be against the re-introduction of blood sacrifices, including the reconstruction of the temple in Jerusalem. It would be blasphemy precisely like that of Rabbinical Jews during the period between the crucifixion of Christ and the destruction of Jerusalem in 70 A.D. — The "ceremonial laws" that do not prefigure and foreshadow

Christ's objective-central sacrifices are adiaphora and/or second-order laws under the Messianic covenant. These "ceremonial laws" that are characterized as "holding forth divers instructions of moral duties", but that don't prefigure and foreshadow the objective-central sacrifice of Christ, are demoted under the Messianic covenant, to adiaphora, and perhaps, in some instances, to second-order doctrines. Under the Messianic covenant, the essential moral truth undergirding both non-sacrificial and sacrificial ceremonial law remains. But the obligation to perform sacrificial ceremonial law is abrogated, while the obligation to perform non-sacrificial ceremonial law is demoted to adiaphora or second-order doctrines and practices.

These are being called "preliminary" conclusions because it's critical to not play fast and loose with Scripture. It's important to be more specific about what of the Mosaic law has been abrogated or demoted, and what hasn't been. Before citing specific passages of the *Torah* that are abrogated or demoted, it's probably prudent to find preliminary conclusions about what the Westminster divines have claimed about "judicial laws". But before doing that, it's probably prudent to show how Mohler's tiered system of priorities is supported by Scripture.

(3) Mohler's Tiered System Revisited:

Al Mohler's tiered system of priorities can be compared to the tabernacle. The tabernacle is separated into three essential parts. The Most Holy Place, also known as the Holy of Holies, and the Holy Place are both mentioned in Hebrews 9:1-5. During the Herodian period, the temple had what was called the "Court of the Gentiles". The gospel, *per se*, pertains primarily to the Holy Place and the Holy of Holies. The job of the preacher is to take people from the Holy Place into the Holy of Holies. This has been the primary job of the leaders of the Church of Jesus Christ since His ascension, and it will continue being the primary job of such leaders until His final return. But the Holy Place and the Holy of Holies are not utterly segregated from the Court of the Gentiles. While the Holy Place and the Holy of Holies pertain to the local covenants, from the Abrahamic covenant forward, the "Court of the Gentiles" pertains to the global covenants. These three should be thought of as being separated by semi-permeable membranes, not by impenetrable walls. They are not utterly separate because they are contiguous and quasi-permeable. This is because each covenant is a set of amendments and appendments to the previous covenant. This is the attitude that the Church, the *ecclesiastical society* (in the broad sense) of all Christian *religious social compacts*, should have towards the *jural society*. The *jural society* pertains to the Court of the Gentiles. Roughly, this relates to Mohler's system like this: Doctrines that relate to the Holy of Holies (objective-central) and the migration of people into the Holy Place (subjective-individual) are first-order doctrines that all genuine Christians should have in common. Second-

order doctrines are those that divide genuine Christians into separate *religious social compacts* without disabling their genuineness as Christians. Third-order doctrines are adiaphora, differences that can co-exist in the same *religious social compact*. In a jurisdictionally dysfunctional setting, judicial laws, meaning human law, can arise out of impetuses in any one of these tiers. But in a lawful secular setting, the fourth-order pertains to lawful secular human law, as well as to voluntary actions between Christians and non-Christians. Because both the WCF and the Mosaic covenant were developed in jurisdictionally dysfunctional settings, "judicial law" should be generally understood to be jurisdictionally dysfunctional human law. But it's not necessarily jurisdictionally dysfunctional, just generally and often.

Another important thing to understand about this tiered system is that similar to the way tares exist in genuine Christian churches, genuine Christians can exist in nominally Christian churches and denominations that have been taken over to some extent by anti-Christian theology and practices. The more anti-Christian those thoughts and practices get, the more difficult it will be for genuine Christians to exist in those churches and denominations. But if a church or denomination's theology has not become fully Pelagian, pagan, or anti-Christian, and is semi-Pelagian, Arminian, synergistic, or some other non-monergistic theology, then there is a very real possibility that there are genuine Christians in that church or denomination, in spite of the leadership. These are generally people who have their hearts in the right place, even though they have not thought the theology through enough to discover genuine Christian theology, *i.e.*, Reformed theology. This four-tiered system should help these people to decide whether they should leave their nominally Christian church or denomination, or fight from the inside to restore it to sound theology. Sound theology is the theology about which all genuine Christians should agree to be first-order. It's sometimes called the "doctrines of sovereign grace". It includes the "five *solas*" of the Reformation, the "five points of Calvinism" discerned at the Synod of Dort, doctrines of the Trinity developed by early Church councils, and other Scripture-based doctrines generally held precious by Reformed theologians. It emphatically does not include semi-Pelagianism, Arminianism, or soteriological synergism. The latter theologies deviate from sound biblical theology, and although they may not be explicitly heretical, they are slippery slopes that tend to lead people and churches into heresy.

(4) <u>The Judicial Law:</u>

WCF ch. 19 § 4 says the following:

> To them also, as a body politic, he gave sundry judicial laws, which expired together with the State of that people; not

> obliging any other now, further than the general equity thereof may require.

Because the Mosaic covenant defined a theocracy, the people under the Mosaic covenant were not governed by a "State", in the normal sense of that word. This is consistent with the fact that Abrahamic cultures are different from other cultures because each Abrahamic culture is built primarily around its relationship with God, and secondarily around societal organization and defense. Non-Abrahamic cultures are built primarily around societal organization and defense, and God is generally one among many deities in a pantheon, if He can be said to exist at all.[1] The Mosaic theocracy only lasted for several centuries, and it was eventually replaced with a monarchy (1Samuel 8:4-22), a more-or-less normal State. Even though the laws of the Mosaic covenant were enforced poorly under the judges (Joshua 1:1-24:33; Judges 1:1-21:25; 1Samuel 1:1-8:22), and poorly under the monarchy (1Samuel 8:4-2Chronicles 36:21), they nevertheless existed in the Mosaic covenant. Regardless of how they were enforced, whether by judges or by monarchs, these "judicial laws" were human laws that are identifiable in the *Torah*, and are distinguishable there, to some extent, from moral law and ceremonial law.

In some respects, there is overlap between moral laws, ceremonial laws, and judicial laws. Moral laws that are accompanied by penalties to be executed by humans against humans are also human laws, and therefore judicial laws. Ceremonial laws that are accompanied by penalties to be executed by human against human are also human laws, and therefore judicial laws. In fact, it's reasonable to assume up front that all judicial laws have an either moral or ceremonial motivation. But the coupling of a human-law penalty to either makes the given law a judicial law / human law.

According to mainstream Rabbinical Judaism, there are 613 commandments in the *Torah*, including the Decalogue.[2] In classifying these legal passages and verses

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1 As already indicated, because of radical differences between the Koran and the Bible, Islam should not be considered to be one of the Abrahamic religions. The attributes of *Allah* are so different from the attributes of the Judeo-Christian God, that it's necessary to understand *Allah* as being more like an angel or a demon. The teachings in the Koran lead to the conclusion that Islamic culture is built more around societal organization and offense, and not primarily around its relationship with the only true God.

2 "This number (613) is mentioned in the text of the Talmud, at the end of the Tractate Makkoth, where it is said: 'Six hundred and thirteen Commandments were declared unto Moses at Sinai: three hundred sixty-five (prohibitions) corresponding to the days in a solar year, and two hundred forty-eight (injunctions) corresponding to the limbs in the human body.'" (Makkoth *23b* (Soncino Press edition, page 169)) — Maimonides, **The Commandments**, vol.2, pp. 366-7, footnote 1 on p. 367.

in the *Torah* into 613 laws, Maimonides deliberately tried to adhere strictly to the *Torah* and to avoid the influence of rabbinical tradition. Maimonides classified the commandments into 248 positive (shall do) commandments and 365 negative (shall not do) commandments. Out of the 248 positive commandments, there are only two that specify punishment by human against human.[1] Human law is much more abundant among the negative commandments. Some of these human-law type negative laws pertain to ceremonial laws, even to sacrificial-type ceremonial laws.[2] Others have a moral-law motivation. So there is not a clear separation of ceremonial laws from judicial laws, or moral laws from judicial laws.

Judicial laws are abrogated in one sense, like the ceremonial laws, to the extent that they are ceremonial judicial laws. But they should also continue in another sense. Similar to the way moral laws that pertain to the *secular religion* need to be enforced globally as human law, moral laws that do not pertain to the *secular religion* should only be enforced as human laws within *religious social compacts*. The WCF leaves open the possibility that the "general equity" of the Mosaic judicial laws might allow some aspects of such judicial laws to be mimicked under a Christian "State". The WCF says that the judicial laws of the Mosaic body politic disappeared with that body politic. When the Mosaic body politic expired,[3] it's expiration meant that it's not necessary for any other body politic to exercise those judicial laws "further than the general equity thereof may require". Equity means fairness. So the WCF is also saying that it's not mandatory for a Christian community to re-enact those laws that were given to the body politic of Israel except as far as fairness requires.[4] Christianity is not now necessarily connected to any body politic, even though every genuinely Christian *religious social compact* should have a *jural society* and a strictly defined *ecclesiastical society*. Under both the Mosaic theocracy and the Mosaic monarchy, judicial laws were inseparably connected to the body politic. The WCF is clearly not explicit about what "judicial laws" of "the State of that people" fall into this category of "general equity", and what "judicial laws" don't.

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1 "[T]he Torah does not specify any particular form of punishment for violation of any of the Positive Commandments – save two: Circumcision [(Pos.Comm.215)], and Slaughtering the Passover-offering [(Pos.Comm.55)] – as it does in the case of the Negative Commandments." — Chavel, **The Commandments**, vol. 2, p. vi.

2 Sacrificial-type ceremonial laws that are negative laws appear in negative laws 89-171, for example, in Deuteronomy 12:13-14, Leviticus 17:3-4, and Leviticus 22:20.

3 By way of the destruction of Jerusalem and the resulting global diaspora.

4 It's important to remember that the Westminster divines did not recognize a sufficiently clear distinction between Church and state, and between *religious social compacts* and *secular social compacts*, and that's one of the reasons why the WCF needs to be upgraded through progressive understanding.

As should be abundantly clear by now, human laws can only be lawful when they conform to strict jurisdictional guidelines. This means that the "judicial laws" of the Mosaic covenant can only be lawful when they are implemented within such strict jurisdictional guidelines. Immediately under the global covenant, only human laws / judicial laws that enforce the *secular religion* are lawful. Because the global covenant must suffice as the prototypical *secular social compact*, it can lawfully enforce human laws *ex delicto* and *ex contractu* that exist in an inherently *secular* jurisdiction. But, of course, the Mosaic covenant is a local covenant, and is therefore a prototypical *religious social compact*, and emphatically not a *secular social compact*. Even so, because the *in personam* jurisdiction of the global covenant includes all humans subsequent to that covenant's promulgation, all the human parties to the Mosaic covenant are within the *in personam* jurisdiction of the global covenant. Neither the Westminster divines nor rabbinical scholars have adequately addressed this fact. It's absolutely critical to be able to distinguish these judicial laws that enforce the *secular religion* from judicial laws that don't, in order to understand which humanly enforced moral laws deserve replication under a *secular social compact*, and which don't. Furthermore, there may be humanly enforced moral laws under the Mosaic covenant that deserve to be replicated under a genuinely Christian *religious social compact*, even though they should not be replicated under a *secular social compact*. — These kinds of considerations are possibly as important in examination of the Mosaic covenant as the distinctions between sacrificial ceremonial law and non-sacrificial ceremonial law.

(iii) More Precise Conclusions

(1) The Positive Commandments:

(a) Flowchart for Categorizing Laws: In examining the Mosaic covenant in more detail, there is essentially a kind of flowchart that can be followed in regard to each of the 613 laws, for the sake of determining how each law may or may not be useful to genuine Christians in the 21st century. This flowchart is essentially a system of questions and answers that provide general guidelines for assessing terms of the Mosaic covenant. In following it, these facts that have been established above should be kept in mind: (i)Moral law is universal and applies to all people everywhere. It is therefore distinct from "ceremonial laws" that only apply to people under the Abrahamic system of local covenants. (ii)What the WCF called "judicial laws" is merely human laws that were imposed by human upon human under the auspices of the Mosaic covenant. As such, it merely pertains to whether the law has a penalty or not. That being the case, each of these 613 laws is primarily either ceremonial or moral, and secondarily human law or not human law. (iii)The distinction between sacrificial ceremonial law and non-sacrificial ceremonial law is crucial to knowing

whether the law has been abrogated, demoted, or neither. (iv)Even when a ceremonial law is abrogated, the essential moral principle that undergirds the ceremonial law cannot be abrogated.

1. Is this commandment ceremonial law? If "yes", then go to 2. If "no", then go to 3.
2. Is this ceremonial law sacrificial? If "yes", then the conclusion is that this law has been abrogated, and should not be practiced by genuine Christians. If "no", then the conclusion is that this law is adiaphoristic or a second–order doctrine and/or practice.[1]
3. The preliminary conclusion is that this is moral law rather than ceremonial law. To know more specifically what it is, it's necessary to answer the following question: Does this law aim directly to support the natural rights acknowledged and supported by the global covenant? If "yes", then go to 4. If "no", then go to 5.
4. The more specific preliminary conclusion is that this law enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and therefore has its origins in the Noachian covenant. Does the Mosaic covenant enforce this law as human law? If "yes", then go to 6. If "no", then go to 7.
5. The conclusion is that this moral law should not be replicated in a *secular social compact*, although it might or might not be prudent to replicate it in a genuine Christian *religious social compact*.
6. The conclusion is that this law enforces the *secular religion* and has its origins under the Noachian covenant, and because the Mosaic covenant provides a penalty for the law's enforcement, it may be prudent for modern *secular social compacts* to emulate the model set by the Mosaic covenant, and it may be prudent for the *jural compact* and the strictly defined *ecclesiastical compact* within any genuinely Christian *religious social compact* to do the same.

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1 Under these circumstances, if the law is implemented as human law under the Mosaic covenant, then the penalty may or may not be useful in the administration of a genuine Christian *religious social compact*.

7. The conclusion is that even though this law appears to enforce the *secular religion*, no real provision for such enforcement was made under the Mosaic covenant. So modern *secular social compacts* and the *jural* and *ecclesiastical compacts* of *religious social compacts* may or may not need to replicate the law, and to devise their own methods of enforcement.

Each of the 613 laws should be categorizable into one of these conclusions.

There is a tradition in Rabbinical Judaism that probably originates in the pre-Christian era, that God first gave the ten commandments to Moses at Sinai (Deuteronomy 4:13; 10:4); then, during the subsequent forty days, God gave Moses the rest of the 613 commandments that appear in the *Torah*. The tradition holds that the ten commandments are "the fundamental doctrines of Judaism, upon which the whole 613 *mitzvoth* [(commands)] … rested".[1] With it clearly understood that the sacrificial aspect of the Mosaic covenant's "ceremonial laws" have been abrogated, and with it understood that some of the Mosaic covenant's "judicial laws" that "expired" probably deserve to be emulated because of their "general equity", it should be possible to take advantage of the work of rabbinical scholars in regard to Mosaic law. Genuine Christians should not start out convinced that there are 613 laws, and should treat that claim as probably **eisegetical** presumption on the part of the ancient rabbis. The fact that mainstream rabbis believe that there are 613 *mitzvoth* should not be a barrier to recognizing that the rabbis, Rabbi Moses ben Maimon (Maimonides) in particular, believed that the ten commandments are fundamental doctrines of what Reformed theologians now call the Old Testament Church. It should also be encouraging to know that the rabbis generally believe that all the laws of the Mosaic covenant are based rationally on the ten commandments, regardless of whether there are 613 laws or some other number. Even though Maimonides worked within the context of trying to fit Mosaic law into 613 positive and negative commandments, finding 248 positive and 365 negative, he also deliberately attempted to avoid inclusion of commandments that had rabbinical origins. The inclusion of such rabbinical laws would have pushed the number well beyond 613. He instead tried to work strictly off the *Torah*. As a result, Maimonides' rendition of the 613 laws "has become the *derech hamelech*, the 'king's highway' in Judaism".[2] Although Maimonides' rendition of these Mosaic laws is not perfect, any more than the WCF is perfect, it should still be treated with similar respect because it, too, is based on Scripture.

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1 Chavel, **The Commandments**, vol. 1, p. viii.

2 Chavel, **The Commandments**, vol. 1, p. xiv.

It's important to note in passing that Chavel sees Maimonides' rendition of the 613 *mitzvoth* as being not only in 248 positive and 365 negative, but also as being subdivided into "man's duties to God" and "man's duties to man". The 248 positive and 365 negative are also each subdivided into ten subcategories, the first five categories being within the category of man's duties to God, and the second five being within man's duties to man.

(b) Positive *Mitzvoth* 1-19 (Man's Duties to God) - "Belief in God and Our Duties towards Him": The first nineteen positive *mitzvoth* are categorized as man's duties to God, in Chavel's subcategory of "Belief in God and Our Duties towards Him".

1) Believing in God – Ex.20:2
2) Unity of God – Deut 6:4
3) Loving God – Deut 6:5
4) Fearing God – Deut 6:13; 10:20
5) Worshipping God – Ex 23:25; Deut 13:5; 6:13; 11:13
6) Cleaving to God – Deut 10:20
7) Taking an oath by God's Name – Deut 6:13; 10:20
8) Walking in God's ways – Deut 28:9; 10:12
9) Sanctifying God's Name – Lev 22:32
10) Reading the Shema daily – Deut 6:7
11) Studying and teaching Torah – Deut 6:7; 11:19; 21:12; Num 15:39
12) Wearing *Tephillin*[1] of the head – Ex 8:9; 8:16; Deut 6:8; 6:18
13) Wearing *Tephillin* of the hand – Ex 8:1; 8:16; Deut 6:8; 6:18
14) To make *Tzitzis*[2] – Num 15:38
15) To affix a *Mezuzah*[3] – Deut 6:9; 11:20
16) Assembly during *Sukkot*[4] – Deut 31:12
17) A king should write a Scroll of Law – Deut 17:18

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1 A *tephillin* is equivalent to a phylactery – leather bands put on the hand and on the forehead, which contain parchments of Scripture.

2 Fringes in the corners of the garments.

3 *Mezuzah* literally means "door-post". It is a "scroll of parchment on which are written the two portions, Deut 6:4-9; 11:13-21, and which is fastened to the right-hand door-post". (Maimonides, **The Commandments**, vol.1, p. 22, footnote 1.)

4 *Sukkot* is the Feast of Tabernacles.

Sub-Div (b) Positive *Mitzvoth* 1-19

18) Acquire a Scroll of Law – Deut 31:19

19) Grace after meals – Deut 8:10

The first nine positive *mitzvoth* are essentially moral law. It's obvious that they are not ceremonial law, and that they are therefore moral law that applies inherently to all human beings. None of these nine laws aims directly to support the Noachian covenant. So these nine laws should not be replicated in any *secular social compact*. Because each is as doctrinally profound to genuine Christians as to Rabbinical Jews, each should be expounded as true and reliable Christian doctrine in every genuinely Christian *religious social compact*.

Positive *mitzvoth* 10-11: *Mitzvah* 10 is the first law that demands some distinction between moral law and ceremonial law. The *Shema* (the central portion of any Rabbinical Jewish prayer service) is certainly based on Scripture, in fact, on more than merely Deuteronomy 6:4-9. While *mitzvoth* 1-9 each demand belief in God, and advancement of certain core actions and attitudes about God, they are each part of the moral law that applies to all people. Romans 1:18-23 makes it undeniably obvious that God has declared Himself to all people, in spite of the general refusal to hear. So these first nine *mitzvoth* are obviously part of the moral law, not of the ceremonial law. But people who don't have access to the *Torah*, and who have no exposure to the *Shema*, are incapable of reciting it every day. Something similar is true of *mitzvah* eleven. These two *mitzvoth* are therefore ceremonial law. But they are not sacrificial ceremonial law, obviously. They are therefore adiaphoristic or second-order doctrines and practices for genuine Christians.

Positive *mitzvoth* 12-16: Like numbers ten and eleven, positive commandments twelve through sixteen fall into the category of "ceremonial laws" that come into the Messianic covenant as adiaphora.[1] Each of twelve through sixteen is non-sacrificial ceremonial law, without human penalties, and is therefore obviously adiaphoristic or second-order doctrines and practices. The only possible exception to this conclusion pertains to *mitzvah* number sixteen, "Assembly during *Sukkot*", the "Feast of Booths". Deuteronomy 31:11 indicates that this assembly should be "at the place that he [(God)] will choose". In the *Torah*, this place of assembly was always understood to be at the "tent of meeting", the tabernacle, which was the prototype for the temple, the sanctuary. In the Messianic covenant, the temple is now everywhere. The Feast of

1 Some of these Scripture citations mean exactly what Maimonides' *mitzvah* says it means. Some, like the citations of Exodus in *mitzvoth* twelve and thirteen, are more difficult. Those in Exodus are more difficult to relate to these two *mitzvoth*. No doubt Rabbinical Jews have some way of connecting those that don't seem to relate with those that do. More generally, in this examination of the *Torah*, Christians should be able to overlook the ones that don't seem to relate, and focus on those that do obviously relate.

Booths is non-sacrificial ceremonial, but the tabernacle / temple / tent of meeting is sacrificial ceremonial. If it's understood that the assembly is to be at the temple, then *mitzvah* sixteen is abrogated. But if it's understood that the assembly is never again to be at the temple in Jerusalem, but only where God leads His people to assemble, the final assembly being in the New Jerusalem, then positive *mitzvah* number sixteen is clearly adiaphoristic or a second-order doctrine for genuine Christians.

Positive *mitzvah* 17: This *mitzvah*, "A king should write a Scroll of Law", Deuteronomy 17:18, is obviously conditioned on the existence of a king over the body politic of Israel. Given that the only true king of Israel reigns even now, and is truly Israel's Messiah, King, and High Priest, and given that this is therefore sacrificial ceremonial law, this *mitzvah* is abrogated entirely.

Positive *mitzvah* 18: Maimonides' interpretation of Deuteronomy 31:19 in *mitzvah* number eighteen *is "*Acquire a Scroll of Law". But this verse really pertains to writing and teaching the Song of Moses, which appears in Deuteronomy 32:1-43. It is therefore an example of the rabbinical tendency to make unauthorized, **eisegetical** additions to the Mosaic law. As such, it's abrogated under the Messianic covenant.

Positive *mitzvah* 19: This *mitzvah*, Deuteronomy 8:10, calls for grace after meals. Although there is certainly essential moral truth that undergirds this, its rigorous performance is clearly adiaphoristic, non-sacrificial ceremonial law.

(c) Positive *Mitzvoth* 20-95 (Man's Duties to God) - "The Sanctuary, Priesthood and Sacrifices": The sanctuary has been destroyed, and has been replaced by the Messiah and the Holy Spirit until the New Jerusalem comes down (Revelation 21:2). The Levitical priesthood has become defunct because the temple doesn't exist, and priests of their type are therefore not needed (Hebrews 7:11-14). The foreshadowing sacrifices are abrogated because, as Paul expresses it, "Christ, our Passover lamb, has been sacrificed" (1Corinthians 5:7). With these things taken as obvious, it appears that each *mitzvah* in this whole category is abrogated as sacrificial ceremonial law. There are certainly essential moral truths undergirding each of these *mitzvoth*, and those essential truths are certainly not abrogated. But the act of performing each *mitzvah* is abrogated because it has been fulfilled by Christ's sacrifice. This should be taken as generally true for this whole category of *mitzvoth*. Nevertheless, there are exceptions to this general rule.

20) Building the Sanctuary – Ex 25:8
21) Revering the Sanctuary – Lev 19:30
22) Guarding the Sanctuary – Num 18:2, 4

Sub-Div (c) Positive *Mitzvoth* 20-95

23) Levitical services in the Sanctuary – Num 18:23
24) Ablutions of the *Kohanim*[1] – Ex 30:19-20
25) Kindling the lamps by the *Kohanim* – Ex 27:20-21
26) *Kohanim* blessing Israel – Num 6:23-26
27) The Show bread – Ex 25:30
28) Burning the Incense – Ex 30:7
29) The perpetual fire on the Altar – Lev 6:6
30) Removing the ashes from the Altar – Lev 6:3
31) Removing the *tameh*[2] persons from the camp – Num 5:2
32) Honoring the *Kohanim* – Lev 21:8
33) The Priestly garments – Ex 28:4,8
34) *Kohanim* bearing the Ark on their shoulders – Num 7:9
35) The oil of the Anointment – Ex 30:31; Lev 21:10
36) *Kohanim* ministering in watches – Deut 18:6-8
37) *Kohanim* defiling themselves for deceased relatives – Lev 21:2-3
38) *Kohein Gadol*[3] should only marry a virgin – Lev 21:13
39) Daily Burnt Offerings – Num 28:3
40) *Kohein Gadol's* daily Meal Offering – Lev 6:13
41) The *Shabbat* Additional Offering – Num 28:9
42) The New Moon Additional Offering – Num 28:11
43) The *Pesach*[4] Additional Offering – Lev 23:8
44) The Meal-offering of the new barley – Lev 23:10
45) The *Shavu'ot*[5] Additional Offering – Num 28:26-27
46) Bring Two Loaves on *Shavu'ot* – Lev 23:17
47) The *Rosh Hashana*[6] Additional Offering – Num 29:1-2

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1 *Kohanim* are the priests.

2 *Tameh* means "unclean".

3 High Priest.

4 The seven days of Passover.

5 Feast of Weeks, Pentecost.

6 The first day of the New Year on the civil calendar. — There are two calendars used in the *Torah*. Rather, there is one calendar, and two different ways of accounting for the beginning of the year. Exodus 12:1-2 indicate that Moses, Aaron, and the Hebrew people were commanded by God to consider *Aviv* (*Nissan*) to be the beginning of the year. This

48) The tenth day of *Tishri*[1] Additional Offering – Num 29:7-8
49) The Service of *Yom Kippur*[2] – Lev 16:1-34
50) The *Sukkot*[3] Additional Offering – Num 29:13
51) The *Shemini Atzeres*[4] Additional Offering – Num 29:35-38
52) The three annual pilgrimages – Ex 23:14
53) Appearing before the Lord during the Festivals – Deut 16:16
54) Rejoicing on the Festivals – Deut 16:14
55) Slaughtering the *Pesach*[5] Offering[6] – Ex 12:6
56) Eating the *Pesach* Offering – Ex 12:8
57) Slaughtering the *Pesach Sheini*[7] Offering – Num 9:11
58) Eating the *Pesach Sheini* Offering – Num 9:11
59) Blowing the trumpets in the Sanctuary – Num 10:10
60) Offering cattle of a minimum age– Ex 22:29; Lev 22:27
61) Offering only unblemished sacrifices – Lev 22:21
62) Bringing salt with every offering – Lev 2:13
63) The Burnt-Offering – Lev 1:2-3
64) The Sin-Offering – Lev 6:18
65) The Guilt-Offering – Lev 7:1
66) The Peace-Offering – Lev 3:1; Lev 7:11-12

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is the month in which the Passover occurred. This month is the beginning of the religious calendar. Exodus 23:16b and 34:22 indicate that the Feast of Ingathering (*Sukkot*, Tabernacles) comes at the end of the year. This feast is in the fall. Therefore, the end of one year and the beginning of the next must occur in the fall. This is consistent with the fact that *Rosh Hashana* (literally, the head of the year) occurs in the fall. So *Rosh Hashana* is the beginning of the civil calendar. Leviticus 25:7-9 shows, for example, that this civil calendar is used for counting things like the beginning and end of Sabbatical Years.

1 The seventh month on the religious calendar, the first on the civil calendar.

2 The Day of Atonement.

3 *Sukkot* is the Feast of Tabernacles.

4 Literally, the "eighth solemn assembly". The eighth day of *Sukkot*, which is a day of rest.

5 The Passover lamb.

6 The punishment for neglect of this Commandment is to be "cut off" from the people (Number 9:13). "Being 'cut off' … is variously defined by the Sages and early Rabbis …. It is one of the most serious modes of punishment known to Jewish law. It is not to be confused with death by the hand of Heaven." (footnote 2, p. 64, vol.1, Maimonides, **The Commandments**)

7 The second Passover lamb, for those who were unable to offer the first Passover-offering.

Positive *Mitzvoth* 20-95

67) The Meal-Offering – Lev 2:1, 5, 7; 6:7
68) Offerings of a Court that has erred – Lev 4:13
69) The Fixed Sin-Offering – Lev 4:27
70) The Suspensive Guilt-Offering – Lev 5:17-18
71) The Unconditional Guilt-Offering – Lev 5:15, 21-22, 25; 19:20-21
72) The Offering of a Higher or Lower Value – Lev 5:1-11
73) Making Confession – Num 5:6-7
74) Offering brought by a *zav*[1] – Lev 15:13-14
75) Offering brought by a *zavah*[2] – Lev 15:28-29
76) Offering of a woman after childbirth – Lev 12:6
77) Offering brought by a leper – Lev 14:10
78) Tithe of cattle – Lev 27:32
79) Sanctifying the first-born – Ex 13:2, 13; Deut 15:19
80) Redeeming the first-born – Ex 12:28; Num 18:15
81) Redeeming the firstling of a donkey – Ex 13:13; 34:20
82) Breaking the neck of the firstling of a donkey – Ex 13:13
83) Bringing due offerings on the first festival – Deut 12:5-6
84) All offerings to be brought to the Sanctuary – Deut 12:13-14
85) Bring all offerings due from outside *Eretz Yisrael*[3] to Sanctuary – Deut 12:26
86) Redeeming blemished offerings – Deut 12:15
87) Holiness of substituted offerings – Lev 27:10
88) *Kohanim*[4] eat the residue of the Meal-Offerings – Lev 6:9
89) *Kohanim* eating the meat of Consecrated Offerings – Ex 29:33
90) Consecrated Offerings that have become *tameh*[5] to be burnt– Lev 7:19
91) The remnant of the Consecrated Offerings to be burnt– Lev 7:17

1 Man with a discharge.
2 Woman with a discharge outside her menstrual period.
3 The Land of Israel.
4 Priests.
5 Unclean.

92) The Nazirite to let his hair grow – Num 6:5
93) Nazirite obligations on completion of vow – Num 6:13
94) All oral commitments to be fulfilled – Deut 23:24
95) Revocation of vows – Num 30:2-16

There should be no doubt that *mitzvoth* 20-30 are each sacrificial ceremonial law that has been abrogated. The essential moral truth that undergirds each of these has not been abrogated, but each *mitzvah* has been abrogated. *Mitzvah* 26, which indicates that the Levitical priests should bless Israel, may cause the reader to wonder why such a commandment should be abrogated. The Levitical priesthood is abrogated along with the temple. That's why 26 is abrogated.

Positive *mitzvah* 31: This *mitzvah*, Numbers 5:2, pertains to removing unclean people from the camp. It thereby appears to be an exception to the "Sanctuary, Priesthood and Sacrifices" classification. In some respects, the camp no longer exists, but in other respects, the camp exists wherever God's people congregate. This *mitzvah* can be taken as being about quarantining people who are likely to have any contagious disease. It's sometimes claimed that Jewish communities in Europe during the Middle Ages suffered lower mortality rates during the bubonic plague. If this is true, then it's probably true for two related reasons. Jewish hygiene was probably better than their nominally Christian neighbors'. Jewish communities were ghettoized and thereby quarantined to some extent. — All this argues for this non-sacrificial ceremonial law being continued to some extent and in some respects. It's therefore adiaphora or second-order doctrine.

Positive *mitzvoth* 32-35: These commandments are each abrogated because the Levitical priesthood is abrogated. But positive *mitzvah* 35, the "oil of Anointment", appears on its face to be an exception to the general classification. Examination of Exodus 30:22-33 shows clearly that this *mitzvah* is about a special preparation made exclusively for priests, an abrogated category of people. So this is definitely a sacrificial ceremonial law that has been abrogated.

Positive *mitzvoth* 36-51: These commandments are each clearly sacrificial ceremonial law that has been abrogated. Each mention of the high priest or the Levitical priesthood is mention of an abrogated class. Each mention of an offering is also mention of an abrogated class, because Christ's offering replaces all the other offerings. Because Christ is the only atonement that any genuine Christian can ever need, the service mentioned in *mitzvah* 49 is abrogated. Because *mitzvoth* 50 and 51 pertain to offerings, and Mosaic offerings are superseded by Messianic offerings, these two *mitzvoth* are abrogated. — Although each of these observances is abrogated, the essential moral truth that undergirds each of these *mitzvoth* is not abrogated, but manifested more clearly and profoundly in the Messianic covenant.

Positive *Mitzvoth* 20-95

Positive *mitzvah* 52: This *mitzvah* pertains to "three annual pilgrimages". Exodus 23:14-17 clearly indicates that the Feast of Unleavened Bread (*Pesach*, Passover), the Feast of Harvest (*Shavu'ot*, Pentecost, Weeks), and the Feast of Ingathering (*Sukkot*, Tabernacles, Booths) are required feasts. Verse seventeen clearly indicates that the Mosaic approach to satisfying this demand requires that every male must "appear before the Lord God", meaning that one must travel to the temple or tabernacle to participate. To the extent that this pilgrimage is required, the *mitzvah* is abrogated because the temple is abrogated. But Rabbinical Judaism has made provisions for its people to celebrate these feasts without the impossible pilgrimage. Even so, if one were to celebrate any one of these feasts with the rabbinical mindset, without any recognition of Christ being the perfect sacrifice and purpose for each of these three feasts, then one would be missing the point of the feast in each case because of a failure to see what the feast foreshadows. Nevertheless, when a genuine Christian recognizes the implications of each feast in its foreshadowing of Christ, each feast takes on an entirely different significance. Under non-Christian influences, both the feasts and the pilgrimages are abrogated under the Messianic covenant. But because the essential moral truth that undergirds these three feasts is not abrogated, for ethnic Jews who are also genuine Christians, these feasts are adiaphora or second-order doctrines. They are a way of remembering the original Passover and celebrating these Mosaic feasts in a way that is Christ-centered, with knowledge that He is the Passover Lamb of all of God's elect. So the pilgrimages are abrogated as sacrificial ceremonial law. But the feasts themselves are adiaphora or second-order.

Positive *mitzvoth* 53–54: These *mitzvoth* are essentially further citations of the three feasts mentioned under *mitzvah* 52. The argument at 52 applies also to 53 and 54. If these feasts are done properly by genuine Christians, then they are non-sacrificial ceremonial law that is adiaphoristic or second-order. If they are not done properly, then they are sacrificial ceremonial law that has been abrogated.

Positive *mitzvoth* 55–72: These *mitzvoth* are each abrogated because each pertains to an abrogated offering, the abrogated temple, or the abrogated priesthood. They have all been superseded by the Messianic covenant. This is especially true of *mitzvah* 55, because 55 is one of the two positive *mitzvoth* that are accompanied by human-law penalty. The penalty for failing to "bring the Lord's offering" is to be "cut off from his people", to be expelled and rejected by the people of Israel (Numbers 9:13).

Positive *mitzvah* 73: This *mitzvah* pertains to a person confessing "sins that people commit by breaking faith with the Lord" (Numbers 5:6). This is more a moral law than a ceremonial law, even though Numbers 5:8 indicates that the confessor should bring both a "ram of atonement" and a donation of restitution,

"adding a fifth" (v. 7). Confession of sin and making restitution to the one offended is certainly an important moral practice under the Messianic covenant. But of course the ram offering has been abrogated, and because the Levitical priesthood has been abrogated, there is no duty to make a donation to the priesthood. There is still a moral obligation to make restitution "to whom he did the wrong" (v. 7). If the priesthood and the ram offering are left out of the picture, then this *mitzvah* has nothing to do with ceremonial law, and it therefore cannot be abrogated on that basis. If the offended party is a human being, and the offense is a *delict* or a contract violation, then this *mitzvah* certainly aims directly at protecting natural rights recognizable under the global covenant. But if the offended party is a human, and if the offense is a *delict* or a contract violation, then it's reasonable to assume that this is a violation of natural rights that is not prohibited explicitly under the Mosaic covenant by way of human law. So modern *secular social compacts* and *jural* and *ecclesiastical compacts* of *religious social compacts* may or may not need to replicate this *mitzvah* within their jurisdictions, and to devise their own methods of enforcement. On the other hand, if the offense is against a human, but is not a *delict* or contract violation, then the *mitzvah* is adiaphora or a second-order issue. The same is true if the offense is against God instead of a human.

Positive *mitzvoth* 74–78: These *mitzvoth* pertain to offerings, and are therefore abrogated as observances, though the moral principles that undergird them are not abrogated.

Positive *mitzvoth* 79-82: *Mitzvah* 79 pertains to sanctifying the firstborn of both man and beast. *Mitzvah* 80 indicates the significance of such sanctification. In the pertinent passage in Numbers, God is speaking to Aaron, and He indicates that the firstborn of both man and beast are to be either sacrificed or redeemed. Because Aaron is high priest, this *mitzvah* pertains to the priesthood, which is abrogated. Because the default for the firstborn is to be sacrificed, while human firstborn and firstborn of unclean animals are to be redeemed from sacrifice, *mitzvoth* 79-82 are each abrogated. The essential moral truths behind these *mitzvoth* are not abrogated, but the actual practices thereof are abrogated.

Positive *mitzvoth* 83–91: These *mitzvoth* each pertain to offerings, and all Mosaic offerings have been superseded by the single, consummate offering of the Messiah in the Messianic covenant. They are all abrogated, even though the essential moral truth that undergirds each has not been abrogated.

Positive *mitzvoth* 92–93: Numbers 6:1-21 describes the Nazarite vow, a vow to separate oneself to the Lord (v. 2). The characteristics of this special vow are that one abstain from strong drink, wine, and fruit of the vine generally, and that one not cut one's hair. This vow is ended with specific offerings at the temple, and with the

Nazarite shaving his head at the entrance to the tent of meeting and having the hair burned beneath the offering. Like the temple and the priesthood, these offerings have been abrogated. But the essential moral truth undergirding such a vow has not been abrogated. In fact, there is evidence that the Apostle Paul may have taken a Nazarite vow.[1] Paul was having to walk a very fine line between knowing that the sacrificial ceremonial law had been abrogated and avoiding being overly offensive to Jewish Christians who had not quite followed progressive understanding enough to catch up with the massive **progressive revelation** of the Messianic covenant. That mental lassitude appears to be characteristic of the Messianic community in Jerusalem in Acts 21. Paul needed to "become all things to all people" so that he could save some, which includes being an orthodox Jew to Jews and a Greek to Corinthians (1Corinthians 9:22). Whatever Paul did, the offerings of the Nazarite vow have been abrogated, even though the spirit of it certainly remains. What remains is clearly adiaphoristic.

Positive *mitzvah* 94: This *mitzvah* pertains to fulfilling oral commitments to God. The *mitzvah* cites Deuteronomy 23:23 (v. 24 in the *Tanakh*). Deuteronomy 23:21-23 is very specifically about fulfilling one's vows to God. It has little or nothing to do with sacrifices, the temple, or the priesthood, and therefore appears to have been miscategorized in this section, "The Sanctuary, Priesthood and Sacrifices". This *mitzvah* pertains almost exclusively to the moral law, and has nothing to do with natural rights. It has not been abrogated, and it also should not be replicated in a *secular social compact*. Even so, it's probably prudent to replicate this *mitzvah* in any genuine Christian *religious social compact*.

Positive *mitzvah* 95: Like *mitzvah* 94, positive *mitzvah* 95 has little to do with sacrifices, the temple, or the priesthood. Numbers 30:2-16 is entirely about vows that people make to God, or about oaths that people swear to make a pledge. But it is mostly about the authority that a father or husband has over a daughter or wife who makes a vow. Even in the age of so-called "women's liberation", complementarity between the sexes is a biblical principle that's almost impossible to ignore completely. Because this *mitzvah* does not pertain to ceremonial law, and is therefore certainly about moral law, the question must be asked, Does it pertain to natural rights? If it's entirely a vow to God, then the answer must be "No". Under such circumstances, the moral standard set in these verses may be worthy of replication in a genuinely Christian *religious social compact*, but emphatically not in a *secular social compact*. But if the pledge is between any two or more humans, then it probably is a contract. But whether it's a contract to be adjudicated in a *secular* court or a *religious* court

1 Acts 18:18 indicates that Paul may have been under a Nazarite vow. Acts 21:23-24 also indicates this. But these are both ambiguous.

depends entirely upon the nature of the contract. Emphatically, such a pledge under the jurisdiction of the Mosaic covenant, or under any *religious social compact* based immediately thereon, must be adjudicated the way *religious* contracts are adjudicated. Because the principles in this passage from Numbers have not been abrogated, they are inherited into the Messianic covenant, and genuinely Christian *religious social compacts* may need to make provisions for enforcement of such standards, or not, as the congregation sees fit. As pledge between humans, this comes into the Messianic covenant as adiaphora or second-order doctrine.

(d) Positive *Mitzvoth* 96-113 (Man's Duties to God) - "The Sources of Uncleanness and the Modes of Purification": According to Rabbi Chavel, there "are 13 kinds of uncleanness":

> uncleanness of carcasses, of creeping things, of foods, of a menstruous woman, of a woman after childbirth, of leprosy affecting man, of leprosy affecting a garment, of leprosy affecting a house, of a *zav*, of a *zavah*, of semen, of a dead body, and of the water of sprinkling[1]

The WCF inherently classifies laws about uncleanness as ceremonial. Uncleanness regarding food has been examined to some extent above, with citations of Peter's vision (Acts 10:9-16; 11:2-10), the message of which is, "What God has made clean, do not call common"; and of Jesus' remark, paraphrasing, that it's not what goes into a man that defiles him, but what comes out of him (Mark 7:15). These citations make it obvious that the Messianic covenant brought a completely different and liberating attitude about food. It's reasonable to assume that Jesus brought the same kind of liberation to concerns about these other kinds of uncleanness. It's reasonable to assume that the Messianic covenant brought a tiered system of priorities to the parties to the Mosaic covenant, where such priorities were, and are, based on the **progressive revelation** of the biblical covenants. But as already indicated, the Westminster divines were probably a bit rash in concluding that all ceremonial law is abrogated. It's probably safe to make a *prima facie* assumption that these are generally non-sacrificial ceremonial laws that are demoted rather than abrogated. But only by actually examining the biblical text can this assumption be verified. If it's true, then the conclusion is that these laws are generally adiaphoristic or second-order doctrines and practices.

96) Defilement through carcasses of animals – Lev 11:39

1 Chavel, **The Commandments**, vol. 1, p. 116.

Sub-Div (d) Positive *Mitzvoth* 96-113

97) Defilement through carcasses of certain creeping creatures – Lev 11:29-30
98) Defilement of food and drink – Lev 11:34
99) *Tumah*[1] of a menstruant – Lev 15:19-24
100) *Tumah* of a woman after childbirth – Lev 12:2-5
101) *Tumah* of a leper – Lev 13 (See Negative Commandment 308.)
102) Garments contaminated by leprosy – Lev 13:47-59
103) A leprous house – Lev 14:36
104) *Tumah* of a *zav*[2] – Lev 14:34-54
105) *Tumah* of semen – Lev 15:16-18
106) *Tumah* of a *zavah*[3] – Lev 15:25-30
107) *Tumah* of a corpse – Num 19:14-16
108) The law of the water of sprinkling – Num 19:9-21
109) Immersing in a *mikveh*[4] – Lev 15:16
110) Cleansing from leprosy – Lev 14:1-7
111) A leper must shave his head – Lev 14:9
112) The leper must be made distinguishable – Lev 13:45
113) Ashes of the red heifer – Num 19:9

Positive *mitzvah* 96 addresses the uncleanness of animal carcasses of otherwise clean animals. *Mitzvah* 97 addresses the uncleanness of carcasses of inherently unclean creatures like rodents and lizards. *Mitzvah* 98 indicates that when carcasses of such unclean creatures contact food or drink, then such food and drink are unclean. The *Torah* provides various remedies for such uncleanness. — The WCF clearly classifies such laws as ceremonial laws that hold "forth divers instructions of moral duties". They are not overtly moral laws, although they certainly represent essential moral truths, and they are undergirded by such moral truths. But they are each non-sacrificial and therefore not abrogated, but demoted to adiaphora and second-order doctrines.

Positive *mitzvoth* 96-113: The first twelve forms of uncleanness appear in this cluster of *mitzvoth*, and each *mitzvah* that pertains thereto is non-sacrificial ceremonial law that is demoted to adiaphora or second-order instructions. This

1 Uncleanness.
2 Man with a discharge.
3 Woman with a discharge.
4 A ritual bath.

covers *mitzvoth* 96 through 107. Contrary to what Chavel appears to indicate in his footnote, which is cited above, "the water of sprinkling" is not so much a kind of uncleanness as one of the remedies for uncleanness. *Mitzvoth* 108 and 113 are linked together to provide the remedy. A "red heifer without defect" is slaughtered outside the camp before one of the priests. The priest is supposed to take some of the heifer's blood on his finger, and sprinkle it towards the front of the tabernacle seven times. Then the heifer is to be burned. The priest and the man who burned the heifer are to be unclean until they bathe themselves and their clothes, and wait until evening.[1] The ashes of the heifer are to be gathered and kept in a special place outside the camp. Then when someone dies, and survivors become unclean by coming in contact with the corpse, the ashes of the heifer can be mixed with water and sprinkled on these unclean survivors as part of the cleansing process. — This cleansing process clearly depends on the existence of the Levitical priesthood, and of the tabernacle / temple. This cleansing process is therefore sacrificial ceremonial law that has been abrogated. In other words, Numbers 19:2-22 has been abrogated, which means that *mitzvoth* 108 and 113 have been abrogated.

Mitzvah 109 provides the remedy for uncleanness because of semen: "he shall bathe his whole body in water and be unclean until evening" (Leviticus 15:16b). This remedy does not appear to involve the priesthood, the tabernacle, or a sacrificial offering. It is therefore non-sacrificial ceremonial law. In fact, the immersion of the body was often in a "*mikveh*". Such immersion is sometimes understood to be the prototype for the immersion practiced by John the Baptist. This is clearly adiaphora.

Mitzvoth 110 and 111 pertain to cleansing rituals for leprosy (Leviticus 14:2-32). These rituals require the existence of the sanctuary, the priesthood, and offerings, all of which are abrogated. Therefore these *mitzvoth* are sacrificial ceremonial law that have been abrogated.

Regarding positive *mitzvah* 112, all of Leviticus 13 is about leprosy. In that passage, it's clear that the priesthood is tasked with the detection of leprosy. Once the priest detects leprosy, the person must be recognized as leprous by the rest of the community, and must be shunned and live outside the camp. In order to be recognized as healed, not only must the leper be healed, but also a priest must recognize the healing. As long as the person is leprous, the leper must identify his/her self as leprous by wearing rags, having long unkempt hair, and crying "unclean, unclean". — This treatment may have value as a form of quarantining. But the need

1 This is probably the uncleanness referenced by Chavel in his footnote's reference to "the water of sprinkling".

for the priesthood makes this sacrificial ceremonial law, which means that it must be abrogated.

(e) Positive *Mitzvoth* 114-152 (Man's Duties to God) - "Gifts to the Temple, the Poor, the Priests and Levites; the Sabbatical Year and the Jubilee; the Preparation of Food": This subcategory of positive *mitzvoth* that are man's duties to God is also composed almost entirely of ceremonial law that is a mixture of sacrificial and non-sacrificial.

114) Valuation of a person – Lev 27:2
115) Valuation of beasts – Lev 27:11-12
116) Valuation of houses – Lev 27:14
117) Valuation of fields – Lev 27:16-24
118) Restitution for sacrilege – Lev 5:16
119) The fruits of the fourth-year planting – Lev 19:24
120) Leave *peah*[1] for the poor – Lev 19:10
121) Leave gleanings for the poor – Lev 23:22
122) Leave the forgotten sheaf for the poor – Deut 24:19
123) Leave defective grape clusters for the poor – Lev 19:10
124) Leave grape-gleanings for the poor – Lev 19:10
125) First-fruits to be brought to the sanctuary – Ex 23:19
126) The great heave-offering – Deut 18:4
127) The first tithe – Num 18:24
128) The second tithe – Deut 14:22
129) The Levites' tithe for the *Kohanim*[2] – Num 18:26
130) Set aside the poor man's tithe – Deut 14:28
131) The avowal of the tithe – Deut 26:13
132) Recital on bringing the first-fruits – Deut 26:5
133) Set aside the *Challah*[3] for the *Kohein*[4] – Num 15:20

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1 "Lit., 'corner'; a section of the field, in which the owner is required to leave part of his crop unreaped for the benefit of the poor." — Chavel, **The Commandments**, vol 1, p. 129, footnote 1.

2 Priests.

3 Dough-offering.

4 Priest.

134) Renouncing as ownerless produce of the Sabbatical year – Ex 23:11
135) Resting the land on the Sabbatical year – Ex 34:21; Lev 25:4
136) Sanctifying the Jubilee year – Lev 25:10
137) Blowing the *Shofar*[1] on the tenth day of *Tishri*[2] in the Jubilee year – Lev 25:9-10
138) Reversion of the land in the Jubilee year – Lev 25:13; 24
139) Redemption of property in a walled city – Lev 25:29
140) Counting the years till the Jubilee year – Lev 25:8
141) Cancelling monetary claims in the Sabbatical year – Deut 15:2-3
142) Exacting debts from idolators – Deut 15:3
143) The *Kohein's*[3] due in the slaughter of every clean animal – Deut 18:3
144) The first of the fleece to be given to the *Kohein* – Deut 18:4
145) Devoted thing to God and the *Kohein* – Lev 27:21, 28
146) *Shechitah*[4] – Deut 12:21
147) Covering the blood of slain birds and animals – Lev 17:13
148) Releasing the mother before taking the nest – Deut 22:7 (See Negative Commandment 306.)
149) Searching for the prescribed signs [of cleanness] in cattle and animals – Lev 11:2
150) Searching for the prescribed signs [of cleanness] in birds – Deut 14:11
151) Searching for the prescribed signs [of cleanness] in grasshoppers – Lev 11:21
152) Searching for the prescribed signs [of cleanness] in fishes – Lev 11:9

The first four of this group of *mitzvoth* pertain to "Gifts to the Temple", and each is based on Leviticus 27. Leviticus 27 is dedicated to the way the Levitical priesthood would deal with vows voluntarily made. People could make voluntary vows dedicating themselves to the service of the sanctuary. But a clear understanding of

1 A horn, usually of a ram or antelope.
2 The tenth day of *Tishri* is *Yom Kippur*, the Day of Atonement.
3 Priest's.
4 The law of ritual slaughtering.

what this chapter is about doesn't arise easily out of the text. Matthew Henry offers a good interpretation:

> If a man consecrated himself, or a child, [or a slave,] to the service of the tabernacle, to be employed there in some inferior office, as sweeping the floor, carrying out the ashes, running of errands, or the like, the person so consecrated shall be for the Lord, that is, "God will graciously accept the good-will." … But forasmuch as he had no occasion to use their service about the tabernacle, a whole tribe being appropriated to the use of it, those that were thus vowed were to be redeemed, and the money paid for their redemption was employed for the repair of the sanctuary, or other uses of it, as appears by 2 Ki 12:14 … .[1]

Leviticus 27:2-8 provides a table by which priests could evaluate the worth of such voluntary labor, if it were needed, for the sake of having a redemption price for when, in fact, it was not needed. — Now that it's understood that valuation pertains to gifts made to the sanctuary, it's possible to evaluate *mitzvah* 114 according to the flowchart provided above.

Positive *mitzvah* 114: This *mitzvah* is obviously ceremonial law, because it is not obviously moral law. The existence of this *mitzvah* depends upon the existence of the sanctuary and the Levitical priesthood. This means that it is ceremonial law that is also sacrificial, the sanctuary and priesthood being abrogated. So the *mitzvah* itself is abrogated. But the moral principles that undergird it are not abrogated. So it should be examined briefly from that perspective. — The definition of "sacrificial" law determined above, based on the New Testament, pertains to Mosaic sacrifices that foreshadow and prefigure the ultimate sacrifice of Christ for the redemption of His elect through special grace, and for the redemption of the world in general through common grace. But the offering or sacrifice in view in Leviticus 27 is not this kind of sacrifice that foreshadows the Messiah, but it instead is characterized as a voluntary act of someone who wants a closer walk with the Lord. It's an act of someone seeking greater sanctification of his/her own life. This is a moral factor that should be considered. Because of the dependence of *mitzvah* 114 on the sanctuary and priesthood, it is abrogated. But the desire of God's elect for closer walk and sanctification continues into the Messianic covenant. So this moral impetus continues, and it alone in this *mitzvah* can be taken as non-sacrificial ceremonial law that is adiaphoristic or a second-order practice.

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1 Matthew Henry, **Complete Commentary on the Whole Bible**, 6 vol., 1706, Leviticus 27. — URL: https://www.biblestudytools.com/commentaries/matthew-henry-complete/leviticus/27.html, retrieved 2 November 2018.

Positive *mitzvoth* 115-117: While *mitzvah* 114 pertains to the valuation of persons, *mitzvah* 115 pertains to the valuation of animals (Leviticus 27:9-13). The valuation depends largely upon whether the animal is "clean" or "unclean". But the core issue here, for the purposes of this booklet, is that this is sacrificial ceremonial law, like *mitzvah* 114, and it is therefore abrogated. The same line of reasoning pertains to *mitzvoth* 116 and 117, which are both abrogated, while the essential moral truths undergirding these *mitzvoth* are not abrogated, but appear in the Messianic covenant as adiaphoristic or second-order issues.

Positive *mitzvah* 118: This *mitzvah* pertains to a situation in which someone has unknowingly sinned against "the holy things of the Lord" (Leviticus 5:15). When he/she becomes aware of the infraction, he/she is required to bring a guilt offering, followed by something valued at one fifth the value of the guilt offering, the one fifth being for restitution. — This is obviously ceremonial law that is sacrificial because of its dependence upon sacrificial offerings, the priesthood, and the sanctuary. It is therefore abrogated. But the undergirding moral principle is not abrogated.

Positive *mitzvah* 119: This commandment pertains to offerings from a newly planted fruit tree. Eating off the tree is forbidden for the first three years. In the fourth year, all of the tree's fruit is to be an offering to God (Leviticus 19:24). This is obviously sacrificial ceremonial law that is abrogated. But the underlying moral principle is not abrogated, and could exist as adiaphora under the Messianic covenant.

Positive *mitzvoth* 120-124: These commandments pertain to agricultural produce that should be left to the poor. Because these five *mitzvoth* pertain more to man's duties to man than to man's duties to God, they may be miscategorized here. The underlying principle in each of these five *mitzvoth* is that farmers should not be so greedy in their harvesting that they forget the poor. Leaving the corners and edges of their fields unharvested, and leaving the less desirable and more negligible parts of their produce for the poor to harvest, was a way for parties to the Mosaic covenant to manifest their love for their neighbor. These *mitzvoth* are probably best understood to be moral law that is outside the jurisdiction of the *secular religion*. So these *mitzvoth* should not be replicated in a *secular social compact*, although it would probably be prudent to replicate the moral principle behind these *mitzvoth* within any genuinely Christian *religious social compact*, in the form of adiaphora or second-order doctrines.

Positive *mitzvah* 125: This *mitzvah* is based on Exodus 23:19a: "The best of the firstfruits of your ground you shall bring into the house of the Lord your God." This is clearly sacrificial ceremonial law that has been abrogated. But the essential

moral principle that undergirds it has not been abrogated, and genuine Christians should be happy to give their firstfruits to God.

Positive *mitzvah* 126: This *mitzvah* derives from Deuteronomy 18:1-8. This passage starts by stating that "The Levitical priests, all the tribe of Levi, shall have no portion or inheritance with Israel." They were dependent upon the largesse coming from the temple offerings. They therefore had a status comparable to that of full-time Christian preachers, elders, and ministers. who are dependent upon the giving of Christians within their respective congregations. This *mitzvah* is obviously sacrificial ceremonial law that has been abrogated. But the moral undergirdings of it have not been abrogated, and may exist as adiaphora or second-order doctrines within genuine Christian churches.

Positive *mitzvoth* 127-131: The tithes spoken of in *mitzvoth* 127-131 are essentially various gifts to the temple, the poor, the priests, and the Levites. Because these are tithes, the emphasis is on gifts to God, rather than to humans. They are clearly rigorous and ceremonial. They are sacrificial ceremonial and therefore abrogated. But the moral principles undergirding these gifts survive into the Messianic covenant.

Positive *mitzvah* 132: This *mitzvah* is based on Deuteronomy 26:1-11. It indicates that when the Israelites come into the promised land and harvest some of the first fruits of the land, they are to give a basket of these firstfruits to the priest, declaring, "A wandering Aramean was my father. … And behold, now I bring the first of the fruit of the ground, which you, O Lord, have given me." This is the firstfruits recital. — This is clearly sacrificial ceremonial law that depends on the existence of the sanctuary and the Levitical priesthood. It is therefore abrogated. Even so, the moral undergirding persists, so much so that it's legitimate for Gentile Christians to make this recital as an adoptee: "A wandering Aramean was my father … ".

Positive *mitzvah* 133: This is instructions to present a dough offering to the Lord (Numbers 15:17-21), where the Lord is clearly represented by the Levitical priesthood. Christ has made the ultimate offering to the Lord, so this is sacrificial ceremonial law that is abrogated.

Positive *mitzvoth* 134–135: These commandments pertain to the Sabbatical year. As explained in Exodus 23:10-11, the land could be plowed, sown, and harvested for six consecutive years, but the land was to lie fallow in the seventh year. Whatever produce volunteered to grow during the Sabbatical year was to be left to the poor, to the beasts of the field, and to more informal gathering (Leviticus 25:6-7; Exodus 23:10-11). This is called a "Sabbath to the Lord" that the land was supposed to keep (Leviticus 25:2,4). These laws about the Sabbatical year are clearly more a set of moral laws than a set of ceremonial laws. But, of course, it's not moral law

that pertains to the *secular religion*. So it should never be replicated in a *secular social compact*, although it might be replicated in a genuine Christian *religious social compact*.

Positive *mitzvoth* 136-138: The same way parties to the Mosaic covenant are called to take every seventh day as a "Sabbath to the Lord" (Exodus 20:8-11), they are called to take every seventh year as a Sabbatical year for the land to rest, and after seven weeks of years, 49 years, to have a Jubilee year (Leviticus 25:8-12). Positive *mitzvoth* 136 through 138 pertain specifically to the Jubilee year. *Mitzvah* 136 pertains to "Sanctifying the Jubilee year": "And you shall consecrate the fiftieth year, and proclaim liberty throughout the land to all its inhabitants" (Leviticus 25:10a). *Mitzvah* 137 indicates that the Jubilee year was to be marked by "Blowing the *Shofar* on the tenth day of [the seventh month,] *Tishri* in the Jubilee year" (Leviticus 25:8-10). In this Jubilee year, each man of the Mosaic covenant was to return to his property and to his clan, and to allow the land to lie fallow (vv. 10-12). If land had been sold, and the seller did not have the money to buy it back, then in the Jubilee, the land is released, and the seller "shall return to his property" (Leviticus 25:28). The land reverts to its original owner in the Jubilee year. — These *mitzvoth* that pertain to the Jubilee year are clearly more moral law than ceremonial law. But they are moral law that does not pertain to the *secular religion*. So these *mitzvoth* should never be replicated in a *secular social compact*, although it might be prudent to replicate them in a genuine Christian *religious social compact*.

Positive *mitzvah* 139: Unlike land that is not in a walled city, the land in a walled city does not revert to its original owner in a Jubilee year. This is what's clearly stated in *mitzvah* 139 (Leviticus 25:29-31). Like 136-138, this is moral law that is outside the jurisdiction of any lawful *secular social compact*, but might be made human law under a genuine Christian *religious social compact*, and if it were, then it would be a second-order doctrine / practice.

Positive *mitzvah* 140: This pertains to "Counting the years till the Jubilee year" (Leviticus 25:8). It has the same disposition as 136-139.

Positive *mitzvoth* 141-142: *Mitzvah* 141 indicates that at every Sabbatical year, creditors are mandated to forgive and release the debts of their debtors (Deuteronomy 15:1-3). This is true of neighbors and brothers, *i.e.*, fellow participants in the Mosaic covenant. But *mitzvah* 142 indicates that this is not the treatment to be given to debtors who are not party to the Mosaic covenant, *i.e.*, to "idolators" (Deuteronomy 15:3). Debts may be exacted from foreigners during the Sabbatical year. — This is clearly moral law rather than ceremonial law. Whether it's moral law that falls under the jurisdiction of a lawful *secular social compact*, or not, depends upon the nature of the contract that accompanies the debt. If it were a *secular* contract, then

this would obviously put the debt under the lawful subject-matter and personal jurisdiction of a *secular ecclesiastical compact*. A debt of a "foreigner" to a party to the Mosaic covenant would fall into this category. Otherwise, it defaults under these circumstances into being a *religious* contract that can only be adjudicated in a court of the appropriate *religious social compact*.

Positive *mitzvoth* 143-144: According to *mitzvah* 143, whenever a "clean" animal was brought by the people to be sacrificed by the Levitical priests, the priests were to take "the shoulder and the two cheeks and the stomach" as their due (Deuteronomy 18:3). — This is clearly sacrificial ceremonial law that has been abrogated under the Messianic covenant. — The same is true of *mitzvah* 144, which holds that in addition to firstfruits of grain, wine, and oil, "the first fleece of your sheep" belongs to the priest.

Positive *mitzvah* 145: This *mitzvah* pertains to land that has been dedicated to the Lord, as in *mitzvah* 117 (Leviticus 27: 16-24). If the man who makes such dedication does not wish to redeem it, or if he has sold it, then "when it is released in the jubilee", it becomes "a holy gift to the LORD, like a field that has been devoted. The priest shall be in possession of it" (Leviticus 27:21). So under these circumstances, the field became devoted. "Things or persons devoted are here distinguished from things or persons that were only sanctified. Devoted things were most holy to the Lord, and could neither revert nor be alienated, v. 28."[1] — This is obviously sacrificial ceremonial law. It's therefore abrogated.

Positive *mitzvah* 146: *Shechitah* is the *kosher* slaughter of clean animals, as described in Deuteronomy 12:15-28. The main concern in such slaughter is to avoid eating the blood (vv. 16, 23). With it certain that the blood is poured "out on the earth like water", there is no need for supervision by priests, or for taking the animal to the sanctuary. This is therefore not sacrificial ceremonial law, although it's certainly ceremonial law. The reason the blood is not to be consumed is because "the blood is the life" (v. 23). This is reminiscent of the Noachian covenant, which emphasizes an equivalence between life and blood (Genesis 9:4). Even though it confirms the connection between life and blood that is crucial to the proper interpretation of Genesis 9:6, it really has no other connection to globally prescribed human law. It is non-sacrificial ceremonial law, and is therefore adiaphoristic or a second-order doctrine / practice.

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1 Matthew Henry, Leviticus 27. — URL: https://www.biblestudytools.com/commentaries/matthew-henry-complete/leviticus/27.html, retrieved 2 November 2018.

Positive *mitzvah* 147: This is a continuation of 146 in that it focuses on the proper disposal of blood. To keep these *mitzvoth* in proper context, it's important to see what precedes Leviticus 17:13:

> "If any one of the house of Israel or of the strangers who sojourn among them eats any blood, I will set my face against that person who eats blood and will cut him off from among his people. For the life of the flesh is in the blood, and I have given it for you on the altar to make atonement for your souls, for it is the blood that makes atonement by the life.
>
> (Leviticus 17:10-11; **ESV**)

This statement clearly shows the importance of blood to the ultimate atoning sacrifice of the Messiah. It therefore speaks loudly about the foreshadowing of that ultimate sacrifice by way of the sacrifice of animals. This context is crucial to any attempt at taking seriously the bloodshed described in the Noachian covenant. Even though all this is true, and is absolutely critical to biblical typology, *mitzvah* 147 by itself merely mandates that when such a "beast or bird" is taken, its blood should be poured out on the earth and covered with earth. Like *mitzvah* 146, this *mitzvah* is non-sacrificial ceremonial law, and is therefore adiaphora or a second-order doctrine / practice.

Positive *mitzvah* 148: This pertains to a situation in which a mother bird is sitting on its nest, which has eggs or young in it. The mandate is that if one takes the young or the eggs, then one should let the mother go free (Deuteronomy 22:6-7). — This is clearly moral law that is outside the scope of globally prescribed human law. It should not be replicated in any lawful *secular social compact*, although it might be prudent to replicate it in a genuine Christian *religious social compact*.

Positive *mitzvoth* 149-152: Each of these *mitzvoth* pertains to the discernment of "cleanness" in animals as a prerequisite to taking them as food. These are each non-sacrificial ceremonial law in keeping with New Testament passages like Peter's vision (Acts 10) and the standard that Jesus set in Mark 7:15. So genuine Christians might find it prudent to replicate them within their *religious social compacts*, but they would certainly be second-order doctrines / practices or adiaphora.

(f) Positive *Mitzvoth* 153-171 (Man's Duties to God) - "The Holy Days and the Observances Connected with Them": The last subcategory of positive *mitzvoth* that Maimonides categorized as man's duties to God are what he called, "The Holy Days and the Observances Connected with Them".

153) Determining the New Moon – Ex 12:2

154) Resting on Sabbath – Ex 23:12; 34:21; Lev 23:3

Sub-Div (f) Positive *Mitzvoth* 153-171

155) Proclaiming the sanctity of the Sabbath – Ex 20:8
156) Removal of *chametz*[1] on the day before *Pesach*[2] – Ex 12:15
157) Recounting Exodus from Egypt on first night of *Pesach* – Ex 13:8
158) Eating *Matzah*[3] on the first night of *Pesach* – Ex 12:18
159) Resting on the first day of *Pesach* – Ex 12:16; Lev 23:7
160) Resting on the seventh day of *Pesach* – Ex 12:16; Lev 23:8
161) Counting the *Omer*[4] – Lev 23:15
162) Resting on *Shavu'ot*[5] – Lev 23:21
163) Resting on *Rosh Hashana*[6] – Lev 23:24
164) Fasting on *Yom Kippur*[7] – Lev 16:29
165) Resting on *Yom Kippur* – Lev 23:31
166) Resting on the first day of *Sukkot*[8] – Lev 23:35
167) Resting on *Shemini Atzeres*[9] – Lev 23:36
168) Dwelling in a *Sukkah*[10] during *Sukkot* – Lev 23:42
169) Taking a *lulab*[11] on *Sukkot* – Lev 23:40
170) Hearing the *Shofar*[12] on *Rosh Hashana* – Num 29:1
171) Giving half a shekel annually to the Sanctuary – Ex 30:12-14

Generally, the Mosaic covenant uses a lunar calendar. Positive *mitzvah* 153 cites Exodus 12:2 because this verse marks the beginning of the religious calendar: "This month shall be for you the beginning of months. It shall be the first month of the

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1 Leaven.

2 Passover.

3 Unleavened bread.

4 Literally, "sheaf". "[B]efore the new harvest could be eaten, a sheaf of barley had first to be reaped and the flour thereof offered as a meal-offering in the Sanctuary on the second day of Passover." — Maimonides, **The Commandments**, vol 1, p. 293.

5 Feast of Weeks, Pentecost.

6 The first day of the New Year on the civil calendar. The first day of the seventh month on the religious calendar.

7 The Day of Atonement.

8 *Sukkot* is the Feast of Tabernacles.

9 Literally, the "eighth solemn assembly". The eighth day of *Sukkot*, which is a day of rest.

10 Booth, tabernacle.

11 A palm-branch.

12 A horn, usually of a ram or antelope.

year for you." (**ESV**) Each month begins with the new moon. As indicated in Exodus 12, the count of days from the beginning of the first month is crucial to the determination of when to celebrate Passover. So determining the new moon is crucial. — This *mitzvah* is obviously ceremonial law, and is obviously non-sacrificial ceremonial law. Therefore, to genuine Christians, this *mitzvah* should be adiaphoristic or second-order doctrine / practice, if it's acknowledged at all.

Positive *mitzvah* 154: Maimonides describes this commandment as "Resting on Sabbath". This *mitzvah* cites three verses in the *Torah*, and each says essentially the same thing: "Six days you shall work, but on the seventh day you shall rest." (Exodus 34:21; **ESV**) These three citations are reiteration of one of the ten commandments: "Remember the Sabbath day, to keep it holy. Six days you shall labor, and do all your work, but the seventh is a Sabbath to the Lord your God" (Exodus 20:8-10a). — Because this *mitzvah* is essentially one of the ten commandments, it can be understood to be moral law. But it could also be understood to be ceremonial law. If it's the latter, then like the *mitzvah* regarding the new moon, this ceremonial law is non-sacrificial. As such, it is adiaphoristic or second-order doctrine / practice. But, of course, its moral underpinnings persist regardless of how adiaphoristic it may be. If this *mitzvah* is understood to be primarily moral, rather than ceremonial, then following the flowchart, it's obvious that this *mitzvah* has no direct relationship with the *secular religion*. It should not be replicated in any *secular social compact*, although it might or might not be prudent to replicate it in a genuine Christian *religious social compact*. Because it's one of the ten commandments, it should always be replicated as a second-order doctrine and practice in genuine Christian *religious social compacts*. But this leads to recognition of a major discrepancy between Christian and Jewish implementation of this commandment. Christians have largely followed a convention of resting on the first day instead of the last day. But because it's adiaphoristic or second-order doctrine, genuine Christians should have no qualms about following what's clearly written in Scripture, and never rescinded there, even though this goes against their traditions.

Positive *mitzvah* 155: This *mitzvah* cites Exodus 20:8, pertaining to remembering the Sabbath and keeping it holy. It has essentially already been covered in the examination of *mitzvah* 154. As non-sacrificial ceremonial law, it is adiaphoristic and second-order doctrine.

Positive *mitzvoth* 156-160: *Mitzvah* 156 pertains to the removal of leaven on the first day of Passover, the Feast of Unleavened Bread. It is clearly non-sacrificial ceremonial law that enters the Messianic covenant as adiaphora or second-order doctrine. In fact, it's obvious that *mitzvoth* 156 through 160 are each non-sacrificial ceremonial law that pertains to *Pesach*, and each enters the Messianic covenant

as adiaphoristic or second-order doctrine and practice. This is true as long as *Pesach* is understood to look back at the exodus from Egypt, while simultaneously foreshadowing the Messiah, with a genuine Christian's acknowledgement that the Messiah has indeed come, and is every Christian's Passover lamb forever.

Positive *mitzvoth* 161–162: These *mitzvoth* pertain to *Shavu'ot*, the Feast of Weeks, Pentecost. The first day after the Sabbath that fell within the Feast of Unleavened Bread was the Feast of Firstfruits (Leviticus 23:9-14). Leviticus 23:15, *mitzvah* 161, indicates that one should count seven weeks from this day of Firstfruits till the count arrives at fifty days. This day after the seventh Sabbath is the beginning of Pentecost (Leviticus 23:15-21). — Both the Feast of Firstfruits and the Feast of Weeks demand offerings, including blood offerings, just as *Pesach* does. If one understands that the offerings are abrogated, because they are consummated in the single offering of the Messiah, then these feasts, without the offerings, can be understood to be non-sacrificial ceremonial law that is adiaphoristic or second-order doctrines and practices.

Positive *mitzvah* 163: Etymologically, *Rosh Hashana* means "head of the year". It is the first day of the civil calendar and the first day of the seventh month of the religious calendar. It is "a day of solemn rest, a memorial proclaimed with blast of trumpets" (Leviticus 23:24, *mitzvah* 163). Because this solemn feast requires "a food offering to the LORD" (v. 25), it has the same fundamental characteristics as the other Mosaic feasts. The offering is abrogated. To the extent that the required "holy convocation" (Numbers 29:1) requires assembly at the tabernacle or temple, this feast's holy convocation is also abrogated, because the sanctuary is abrogated. But because the moral undergirdings of the "Feast of Trumpets" cannot be abrogated, they enter the Messianic covenant without the abrogated offerings and the sanctuary. Under these circumstances, it is non-sacrificial ceremonial law that is adiaphoristic or second-order. The offering and sanctuary are abrogated but the resting and *shofar* blowing are not.

Positive *mitzvoth* 164–165: These *mitzvoth* pertain to fasting and resting, respectively, on *Yom Kippur*. *Yom Kippur* is the "day of atonement". In some respects, this holy day, more than any of the others, should be abrogated in its entirety because it, more than any other, foreshadows the atonement offered by Jesus Christ for the salvation of His elect. The entirety of Leviticus 16 depicts the ceremonial sacrifices made by the high priest on the Day of Atonement. Because Christ is the only genuine atonement for every genuine Christian, the sacrifice described in Leviticus 16:1-34, including the scapegoat, is completely abrogated. Even though this is absolutely true, it's also true that the essential moral principles undergirding *Yom Kippur* can never be abrogated. With it understood that the offerings must

cease because the final offering has been made, it's possible to consider observance of this holy day as a non-sacrificial ceremonial law. Leviticus 23:26-32 describes the Day of Atonement from the perspective of the ordinary Israelite instead of from the perspective of the high priest. There are two amendments to this passage that the Messianic covenant must bring: (i)There is "a food offering to the Lord" (v. 27) that is abrogated. (ii)Verse 29 indicates that anyone within the jurisdiction of the Mosaic covenant who doesn't fast "shall be cut off from his people". This must also be abrogated. — Assuming that these crucial features of the Mosaic Day of Atonement are abrogated, it's possible for genuine Christians to observe the Day of Atonement with a focus on the Consummate Atonement, where such Messianic observance is adiaphora or second-order doctrine / practice. So an ethnic Jew who was also a genuine Christian could rest and fast on *Yom Kippur* without violating his/her faith in the Second Person of the Godhead.

Positive *mitzvoth* 166-169: These commandments each pertain to observance of *Sukkot*, the Feast of Tabernacles, the Feast of Booths. The purpose of *Sukkot* is given in Leviticus 23:42-43: "You shall dwell in booths for seven days … that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt; I am the Lord your God." By itself, this description of the feast doesn't supply any reason to abrogate the feast. *Mitzvah* 166 indicates that one is to rest on the first day of *Sukkot* (Leviticus 23:35). *Mitzvah* 167 indicates that one is to rest on the eighth day of *Sukkot* (Leviticus 23:36). *Mitzvah* 168 indicates that one should dwell in a booth for the seven days of *Sukkot* (Leviticus 23:42). *Mitzvah* 169 indicates that one should take "fruit of splendid trees, branches of palm trees and boughs of leafy trees and willows" on the first day (Leviticus 23:40). These *mitzvoth*, as framed by Maimonides, don't supply any reason to abrogate the feast. But it's critical to recognize that this feast calls for a "holy convocation" on each of the first and eighth day. Where? Wherever the tabernacle or temple is located. It's also critical to recognize that this feast requires participants to "present food offerings to the Lord" (v. 36). The sanctuary and offerings are abrogated. If genuine Christians understand that the sanctuary and offerings are abrogated while the moral underpinnings are not abrogated, then it's possible for genuine Christians to recognize that the Messianic version of the feast is non-sacrificial ceremonial law that is adiaphora or second-order doctrine and practice under the Messianic covenant.

Positive *mitzvah* 170: This *mitzvah*, "Hearing the *Shofar* on *Rosh Hashana*", has already been examined at *mitzvah* 163. Once the abrogated features of this feast are recognized and avoided, the feast, and this *mitzvah*, are adiaphora or second-order doctrines to genuine Christians.

Sub-Div (g) Positive *Mitzvoth* 172-193

Positive *mitzvah* 171: This commandment points to a census tax, a capitation, of half a shekel per person, to be given whenever the census is taken (Exodus 30:11-16). This is a mandatory offering under the Mosaic covenant, the prototypical *religious social compact*. Such a capitation would be unlawful under a *de jure secular social compact*, but it is certainly lawful under the Mosaic *religious social compact*. But is it lawful under the Messianic *religious social compact*? Because it pertains to "the service of the tent of meeting" (v. 16), it is ceremonial law that is sacrificial. It is therefore abrogated for genuine Christians, although its moral undergirdings are not abrogated.

(g) Positive *Mitzvoth* 172-193 (Man's Duties to Man) - "The Proper Functioning of the Jewish State": It's critical to understand that "the Jewish State" was a manifestation of the Mosaic *religious social compact*, and never made any pretense to being a *secular social compact*. In examining positive *mitzvoth* that are crucial to the proper functioning of "the Jewish State", it's critical to understand that a "State" cannot generally exist unless it's laws are enforced as human law. Because the 248 positive *mitzvoth* ostensibly include only two that have human-law penalties, 55 (slaughtering the Passover offering) and 215 (circumcision), neither of which pertain to "the Jewish State", it may be a wonder how *mitzvoth* 172 through 193 can really pertain to the "Proper Functioning of the Jewish State". Probably the best explanation for this is that there is substantial replication of subject matter of the positive *mitzvoth* within the negative *mitzvoth*,[1] and vice versa, and the negative *mitzvoth* are much more likely to include human-law penalties.

172) Heeding the Prophets – Deut 18:15
173) Appointing a King – Deut 17:15
174) Obeying the Great Court – Deut 17:11 (See Negative Commandment 312.)
175) Abiding by majority decision – Ex 23:2
176) Appointing Judges and Officers of the Court – Deut 16:18
177) Treating litigants equally before the law – Lev 19:15
178) Testifying in Court – Lev 5:1 (See Negative Commandment 297.)
179) Inquiring into the testimony of witnesses – Deut 13:15
180) Condemning witnesses who testify falsely – Deut 19:19

1 Because it's often possible to reframe a positive law as negative, and vice versa.

181) *Eglah Arufah*[1] – Deut 21:1-4 (See Negative Commandment 309.)
182) Establishing six Cities of Refuge – Deut 19:3
183) Assigning cities to the Levites – Num 35:2
184) Removing sources of danger from our habitations – Deut 22:8 (See Negative Commandment 298.)
185) Destroying all idol-worship – Deut 12:2
186) The Law of the Apostate City – Deut 13:17
187) The Law of the Seven Nations – Deut 20:17
188) The extinction of the seed of Amalek – Deut 25:19
189) Remembering the nefarious deeds of Amalek – Deut 25:17
190) The law of the non-obligatory war – Deut 20:11
191) Appoint a *Kohein*[2] for war – Deut 20:2
192) Preparing a place beyond the camp – Deut 23:13
193) Including a digging tool among war implements – Deut 23:13

Maimonides' *mitzvah* 172 cites Deuteronomy 18:15, but it really should cite verses 15-22 to keep context. This passage is not merely about "Heeding the Prophets". It is primarily a prophecy by Moses that a prophet greater than himself would arise from among the heirs of Abraham. The proof that this prophet would be greater than Moses is seen in what God said to Moses. At Horeb, the people cowered in fear at the voice of the Lord, and at His great fire (v. 16). This new and greater prophet would speak the same message that the people heard at Horeb directly from God, but could not comprehend because of their fear. But the people would be able to comprehend this new and greater prophet because He would have the same form as Moses, a man raised up "from among their brothers" (v. 18). So this is really Moses' prophecy of the coming of the Messiah. Moses concludes his prophecy of the coming of the Messiah by quoting God, saying, ""It shall come about that whoever will not listen to My words which he shall speak in My name, I myself will require *it* of him."" (v. 19; **NASB**) God is here saying that "whoever" refuses to listen to the Messiah will need to give an account to God, through His natural law, rather than through human law. Even though this is the most obvious interpretation of vv. 15-19, Maimonides holds that this passage, starting at v. 15, is a mandate to heed the

1 *Eglah* is literally "heifer". *Arufah* is literally "break neck". This is a commandment to "break the neck of a heifer if we find the body of a murdered man in a field, and it is not known who committed the murder". — Chavel, **The Commandments,** vol.1, p. 194.

2 Priest.

prophets for the sake of the "Proper Functioning of the Jewish State". — There were certainly reliable prophets after Moses, but none were as great as Moses. More often than not, those in charge of the "Jewish State" didn't listen to the reliable prophets, but to those who were unreliable. The Mosaic community would have obviously been much better off if its leaders had listened to the truth instead of to quackery. *Mitzvah* 172 is certainly not ceremonial law, but is instead obviously moral law. But this moral law does not have any immediate relationship to the *secular religion* or natural rights. It should therefore never be replicated in a *secular social compact*, although it might at first appear to be prudent to replicate it in some genuinely Christian *religious social compacts*. On the other hand, such prudence depends upon recognition that the ultimate Prophet, Priest, and King has already come, in the form of the Messiah predicted by Moses. So conformity to His word takes precedent over prophecies of any fallible human. So the more prudent disposition of this *mitzvah* under the Messianic covenant is to consider it abrogated for both *secular* and genuinely Christian *religious social compacts*, with the proviso that the moral undergirdings of this *mitzvah* cannot be abrogated.

Positive *mitzvah* 173: This *mitzvah* pertains to "Appointing a King". Deuteronomy 17:14-20 indicates the conditions constraining such a king. In the history of ancient Israel, the sundry kings who were heirs of the Abrahamic and Mosaic covenants neglected most of these conditions. — It's crucial to understand that with the incarnation and ascension of the Messiah two thousand years ago, the ultimate King of Israel was coronated. He reigns over His kingdom to the present day. Crowning anyone else would be an affront to His sovereignty. — Kings and queens have arisen in history through perversion of the fundamental impetus that drives the natural-rights polity. They arise out of jurisdictionally dysfunctional perversion of the fundamental motivations behind human government. Kings are part of that perversion. They are a dysfunctional solution to a real problem that demands a real solution. King Jesus is the core of the real solution. His kingship and kingdom are exceptional because they are not of this world of jurisdictional dysfunction. Jurisdictional sanity arises out of the laws and standards of His kingdom. All the kings who reigned under the Mosaic covenant were foreshadowing Him. *Mitzvah* 173 is therefore ceremonial law that has been abrogated for both *secular* and *religious social compacts*. It is pure foreshadow.

Positive *mitzvah* 174: The "Great Court" is essentially the assembly of seventy-one elders referred to in Deuteronomy 11:16-17. In the New Testament, this court is called the "Sanhedrin". That court was to ancient Israel what the supreme Court is to the united States, a court of last resort. Deuteronomy 17:8-13 makes it clear that under the Mosaic covenant, Israel had courts of original jurisdiction and courts

of appellate jurisdiction. If people anywhere in Israel had a case that was "too difficult" to decide (v. 8), then those people were to take the case to that "place that the Lord your God will choose" to have the case adjudicated by a higher court. The nature of the cases was indicated by the examples of homicide and assault (v. 8). The court was composed of the Levitical priests and "the judge who is in office in those days" (v. 9). This shows that the Mosaic covenant contained a vision for appealing lower court inadequacies into appellate courts, and ultimately into the "Great Court". Such courts would obviously decide cases *ex delicto*, but probably also *ex contractu*, ceremonial, and fundamentally moral. But the primary point of *mitzvah* 174 pertains to people's obedience to whatever decision that "Great Court" made.

Mitzvah 174 is obviously moral law rather than ceremonial law. So does this law aim directly at supporting the natural rights recognizable under the global covenant? Yes, among other things. This is because it obviously pertains, at least in some cases, at enforcement against *delicts*. This leads to the preliminary conclusion that this law enforces the *secular religion* within the jurisdiction of the Mosaic covenant, and therefore has its origins in the Noachian covenant, at least in regard to cases *ex delicto*. Does this *mitzvah* provide for a way that it can be enforced as human law? In other words, if someone from the Israelite community were to take a controversial case of murder or assault to the "Great Court", and the person didn't like the court's decision, and decided to enforce his/her own judgment in true vigilante fashion, is there any human-law provision in the Mosaic covenant to deal with that kind of disobedience to the "Great Court"? If the vigilante commits murder or assault in the process of executing what he/she thinks is true justice in the case, then the Mosaic covenant, within the negative *mitzvoth*, certainly has provisions for dealing with that through human law. But if the would-be vigilante did not commit such a *delictual* act, and merely went home grumbling, and telling all of his/her neighbors, "That 'Great Court' stinks. Let's never appeal to them ever again", then that would violate the *mitzvah* but would probably not be subject to human-law enforcement. So modern *secular social compacts* and *jural* and *ecclesiastical compacts* of modern *religious social compacts* might or might not need to replicate this *mitzvah* mandating obedience to the highest court in the land.

If the issue the lower court appeals into the higher court is not *ex delicto*, then it is *ex contractu*, because it must be one or the other if there is any genuine damage. If it's certain that it's *ex contractu*, then it must be ascertained whether it is a *secular* contract or a *religious* contract. Because the Mosaic covenant in general discourages its people from entering into contracts with pagans, it's extremely unlikely to be *secular*. So the *ex contractu* dispute would almost certainly need to be adjudicated in

a Mosaic *religious ecclesiastical* court, and both the lower court and the higher court would default into being such courts. Because these default into being *religious* courts, the courts do not aim directly at supporting natural rights, but aim instead at enforcing their *religious* covenant, and any subsidiary contracts thereto. Under such circumstances the damage can be surreal as opposed to hard and fast damage. If someone from the Israelite community were to take such a controversial case *ex contractu* to the "Great Court", and he/she didn't like the court's decision, and the person merely grumbled and murmured, then the commandment to obey the "Great Court" would be technically violated, but it's hardly worth replicating this *mitzvah* in a genuine Christian *religious social compact*. It's absolutely not worth replicating in a *secular social compact*.

Positive *mitzvah* 175: In this *mitzvah*, "Abiding by majority decision", Maimonides and Chavel appear to grossly misinterpret Exodus 23:2. The **NASB** offers this interpretation from the Hebrew: "You shall not follow the masses in doing evil, nor shall you testify in a dispute so as to turn aside after a multitude in order to pervert justice". The **ESV** has a translation with a similar meaning: "You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice". Even a modern English translation of the *Tanakh* has a similar meaning: "You shall not follow the majority for evil, and you shall not respond concerning a lawsuit to follow many to pervert [justice]."[1] But this verse, according to Maimonides / Chavel, reads, "[Ye are] to follow after a multitude". This mistranslation must be at the root of this *mitzvah* mandating "Abiding by majority decision". The clear majority opinion about how this verse is to be translated is that God's people should follow the truth, not a majority opinion, and not a mob. This clearly speaks judgment against courts that follow *stare decisis*, when *stare decisis* happens to clearly pervert truth and justice. — This is clearly moral law and not ceremonial law. Because the verse so clearly applies to the perversion of justice, the verse, excluding the Chavel / Maimonides misinterpretation, clearly applies to natural rights acknowledged and supported by the global covenant. So this law, as given by Exodus 23:2, serves to enforce the *secular religion* under the jurisdiction of the Mosaic covenant while it has its origins in the Noachian covenant. But this mandate is not readily enforced as human law under the Mosaic covenant. It's reasonable that modern *secular social compacts* and *jural* and *ecclesiastical compacts* within *religious social compacts* would devise their own methods of enforcing the properly interpreted commandment as human law. On the other hand, the Chavel /

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1 **The Complete Tanakh: The Jewish Bible with a Modern English Translation & Rashi's Commentary**, edited by Rabbi A.J. Rosenberg. — URL: https://www.chabad.org/library/bible_cdo/aid/9884, retrieved 12 November 2018.

Maimonides misinterpretation should be seen as an anomaly in an otherwise reliable representation of Mosaic law.

Positive *mitzvah* 176: This *mitzvah* is based on Deuteronomy 16:18: "You shall appoint judges and officers in all your towns that the Lord your God is giving you, according to your tribes, and they shall judge the people with righteous judgment." Maimonides' *mitzvah* being about "Appointing Judges and Officers of the Court", this *mitzvah* clearly pertains to the establishment of courts of original jurisdiction that would be able to appeal to the "Great Court" (*mitzvah* 174) whenever necessary. Although the subject matter that might come before such a court of original jurisdiction might not be within the immediate subject-matter jurisdiction of the *secular religion*, it's probable that at least some of it would be. This establishment of local courts under the jurisdiction of the Mosaic covenant therefore has the dual purpose of adjudicating both *secular* and *religious* subject matter. To the extent that the establishment of such courts pertained to *secular* subject matter, the establishment of these courts acted to satisfy the Genesis 9:6 *positive-duty clause*. Under such circumstances, this commandment is moral law that aims directly to support the natural rights that are acknowledged and supported by the global covenant. It therefore enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and has its origins in the Noachian covenant. But the Mosaic covenant doesn't support this commandment with human law, at least not within the immediate context of *mitzvah* 176. It might or might not be prudent for modern *secular social compacts* and *jural* and *ecclesiastical compacts* to enforce this with human law. But it's probably better to just do it instead of punishing people for not doing it. — To the extent that establishment of such courts pertained to *religious* subject matter, the establishment of these courts is moral law that does not operate under the subject-matter jurisdiction of the *secular religion*. This *mitzvah* under such circumstances is a mandate to genuine Christian *religious social compacts* to establish *religious* courts within their respective jurisdictions. Because moral law has not been abrogated, this has not been abrogated.

Positive *mitzvah* 177: This *mitzvah*, "Treating litigants equally before the law", is based on Leviticus 19:15: "'You shall do no injustice in court. You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor.'" Again, this rule applies to both the subject matter of the *secular religion* and *religious* subject matter. This is what one must expect of a *religious social compact* like the Mosaic covenant. Regardless of whether the subject matter before the court is *secular* or *religious*, the court must administer justice impartially. This is a moral law, and not a ceremonial law. These courts must aim to render justice regardless of whether the subject matter is *secular*, deriving from Genesis 9:6, or *religious*, deriving

from elsewhere. Regardless of whether it's *secular* or *religious*, human law does not directly enforce this *mitzvah* under the Mosaic covenant. It's mandatory that the courts of modern *secular social compacts* be impartial. It's also mandatory that courts of genuine Christian *religious social compacts* also be impartial.

Positive *mitzvah* 178: This *mitzvah* pertains to testifying in court. As indicated in Leviticus 5:1, this *mitzvah* pertains to a situation in which someone has first-hand evidence in a case before a court, regardless of whether the subject matter is inherently *secular* or *religious*, and the witness fails to care enough to come forward with the evidence. Although verses 1-6 mark this as a sin, and verse six mandates a sin offering, this is not primarily ceremonial law, but moral law. The subject matter witnessed could be either *secular* or *religious*, although both would obviously be adjudicated under the Mosaic *religious social compact*. If the subject matter is covered specifically by the subject matter of the Genesis 9:6 *negative-duty clause*, then this *mitzvah*, in that particular case, would originate out of the Noachian covenant and the *secular religion*. There is no human law associated directly with this *mitzvah*. But under modern jurisdictionally dysfunctional *secular social compacts*, a subpoena could be issued which would have potentially severe penalties for refusing to comply with the subpoena. Obviously, the morally sound thing to do would be to voluntarily testify. But as has been made obvious in the above exposition of Genesis 9:6, forced testimony has a status similar to forced taxation. Though the *negative-duty clause* is globally enforceable as human law, the *positive-duty clause* is not. So forcing someone to testify is a violation of the fundamental nature of a *secular social compact*. On the other hand, this is the Mosaic covenant, a *religious social compact*. Under this latter kind of jurisdiction, a party to such a *compact* can be forced by the terms of the *compact* to testify, regardless of whether the subject matter of the testimony is *secular*, subject to the *negative-duty clause*, or *religious*.

Positive *mitzvah* 179: Deuteronomy 13:12-18 pertains to a situation in which the inhabitants of a city under the jurisdiction of the Mosaic covenant have apparently gone into worshipping other gods, in opposition to the God of the Mosaic covenant. This is a situation in which the inhabitants of such a city have essentially become traitorous against the covenant. But the essential feature of this *mitzvah* can be seen in verses 14b-15: "[I]f it be true and certain that such an abomination has been done among you, you shall surely put the inhabitants of that city to the sword". So it's critical before executing such a judgment that there be serious "Inquiring into the testimony of witnesses". — Regardless of whether such a case came before a *secular* court or a *religious* court, the demand for such sure testimony would be crucial. This *mitzvah* is inherently moral rather than ceremonial. Because the subject matter described in this passage in Deuteronomy is inherently *religious* because it certainly

does not arise out of the *negative-duty clause*, the *mitzvah* is not primarily aimed at satisfying the *secular religion*. So this *mitzvah*, when confined to the context given in this passage, should never be replicated in a *secular social compact*. But when the *mitzvah* is thus confined to *religious* subject matter, it raises the question of whether it would be wise to replicate this *mitzvah* within a genuine Christian *religious social compact*. It's always critical for a court to inquire rigorously into the testimony of witnesses, for the sake of knowing that the court is basing its decision on the truth. This rigor, exclusive of the *mitzvah*'s context, should be replicated in every genuinely Christian *religious social compact*. Because of the nature of the Messianic covenant, there should probably be legal mechanisms within the *religious social compact* for people to be eliminated from the *compact* without killing them off and destroying their city. In fact, this extremely severe treatment of people ostensibly party to the Mosaic covenant violates the standards of the *secular religion*.

Genesis 9:6 damage includes *mala in se* that are *trespasses*, but it does not include *mala in se* that are not *trespasses*. Worshipping pagan gods instead of the one true God is certainly *malum in se*. But by itself, it is not a *trespass*. So it cannot be prosecuted under the auspices of the global covenant. So if it's lawful to prosecute such traitors to the Mosaic covenant at all, even with the most severe penalties possible, then the lawfulness must derive from the Mosaic covenant, and not from the global covenant. The Mosaic covenant proscribes this particular breed of *malum in se* even though it does not involve *trespass* in the *secular* sense of the word. Even though the damage that arises out of rejecting God and substituting paganism is obviously *malum in se* to all true believers in God, it is not a *delict* because the damage is inherently non-proximate and difficult to define in a *secular* court. As far as such a court is concerned, it is *trespass*-free damage if it's damage at all, which means that the *secular* court lacks jurisdiction. Because the prosecution exists *ex contractu*, where the contract is the Mosaic covenant, there must be some kind of damage that exists *ex contractu*. To those trying to enforce the covenant, *ex contractu* damage certainly does exist. But this damage is not cognizable in a *secular* court. It is too ethereal. So even though the damage arises *ex contractu*, it is not damage that can be recognized in a *secular* court, and it therefore does not qualify as damage under the *negative-duty clause*.

The big question that must be asked before examining "Inquiring into the testimony of witnesses", is this: Because the penalty to these traitors against the Mosaic covenant is so severe, even though the penalty is built into the Mosaic covenant, and even though it's possible to assume that such traitorous parties entered the covenant voluntarily and fully aware of their obligations and the possible penalties under breach, does the global covenant have primary jurisdiction or does the Mosaic covenant? In other words, should the *trier of fact* automatically assume

that the Mosaic covenant takes priority, or should the *trier of fact* assume the broader jurisdiction of Genesis 9:6 first? The answer is that whenever the *trier of fact* has both a damaged party and a breached contract, he/she should always look at the contract first to see what bearing it has on the case. But in this case of traitors to the Mosaic covenant, a *secular trier of fact* can see no damage. Furthermore, there was no known distinction between *secular social compacts* and *religious social compacts* when the Mosaic covenant was promulgated, because the former didn't exist. So there was no known distinction between *secular* courts and *religious* courts. *Religious* courts were the only thing people knew. The Mosaic covenant had priority, because the global covenant was dormant in societal consciousness even though it was impossible to eradicate. Given that the traitorous parties were genuinely party, the penalty to be suffered for such traitorous behavior was lawful under the Mosaic covenant. But since the promulgation of the Messianic covenant, such severe penalties have been abrogated. Exile, being "cut off" is the most severe penalty for *trespass*-free *mala in se* under the Messianic covenant, and that's what would be called for under such circumstances. But even given this more Christian remedy, a serious "Inquiring into the testimony of witnesses" is necessary.

Although the subject matter of Deuteronomy 13:12-18 is obviously *religious*, it's theoretically possible for parties to a lawful *secular social compact* to become traitorous. In a time of war, such traitorous behavior could be deemed a capital offense, similar to the way the U.S. Constitution deems treason a capital offense. Even though such an offense could be *ex contractu* rather than *ex delicto*, it might still deserve capital punishment under a *secular social compact*. Either way, it demands inquiring into the testimony of witnesses.

Positive *mitzvah* 180: Deuteronomy 19:15-21 gives laws that pertain to witnesses. The law addressed by *mitzvah* 180 pertains to any witness who has been certified as bearing false witness against his brother. Under such circumstances, "you shall do to him as he had meant to do to his brother" (v. 19a). Although Chavel claimed that *mitzvoth* 55 and 215 were the only positive *mitzvoth* that had human-law penalties, this *mitzvah* appears at first to provide a human-law penalty for bearing false witness. The penalty is clearly for the perjurer to suffer whatever the victim of the perjury would have suffered if the perjury had not been discovered. Given that this positive *mitzvah* merely states the penalty for perjury, and doesn't carry a penalty for neglect or refusal to execute this penalty, Chavel's claim about those two other positive *mitzvoth* still stands. — This is another law that bears on both *secular* and *religious* courts. It's reasonable that this moral law / human law might be emulated in a lawful *secular social compact*, and might also be emulated in a genuine Christian *religious social compact*.

Positive *mitzvah* 181: Deuteronomy 21:1-9 describes a ceremony to be performed whenever an apparently murdered person is found in open country. It is the ritual to atone for any unsolved murder. The city nearest the body supplies a heifer, and the priests break the neck of that heifer. The elders of the city wash their hands over the heifer with the broken neck, and pray that the Lord would not "set the guilt of innocent blood in the midst of your people Israel" (v. 8), in particular in the midst of the people of that nearest city. — This is clearly ceremonial law, and is obviously also sacrificial. It has been abrogated. But the moral undergirdings of it persist. People still need to pray to God for mercy about unsolved murders, as well as for persistence in seeking justice.

Positive *mitzvah* 182: This *mitzvah* is about "Establishing six Cities of Refuge" (Deuteronomy 19:1-13). A city of refuge is a city where an Israelite who has accidentally killed someone else can go to avoid being killed by "the avenger of blood in hot anger" (v. 6). These cities apparently allowed a cooling off period after an accidental death, "lest innocent blood be shed in your land" (v. 10). — This is clearly moral law. It aims at supporting the natural rights acknowledged and supported by the global covenant by encouraging a cool and methodical approach to adjudication, as an alternative to allowing feuds to develop between families and clans. So this law has its origins in the Noachian covenant. But the Mosaic covenant doesn't offer a way to enforce this with human law. So modern *secular social compacts* may or may not find this helpful.

Positive *mitzvah* 183: This *mitzvah* is about assigning cities and pastureland to the Levites, the Levitical priesthood (Numbers 35:1-8). The Levites did not get a portion of Canaan the way all the other tribes did. Shortly before the Israelites invaded Canaan, Moses commanded the people to give some of the cities to the Levites, forty-eight in total, including six cities of refuge (vv. 6-7), and including a thousand cubits of pastureland outside the outer wall (v. 4). — It's not obvious why Chavel / Maimonides classified this *mitzvah* under "The Proper Functioning of the Jewish State". But it's probable that judges were to be selected from among these Levites, and that's why their cities were embedded in the lands of each of the other tribes. That would certainly be important to the proper functioning of the Jewish State. Given that this is so, and overlooking the fact that the Levitical priesthood is an abrogated category, it's probably reasonable to classify *mitzvah* 183 as moral law the same way the *mitzvah* regarding the cities of refuge was classified as moral law. The cases these judges would adjudicate would be both of a *secular* class, being subject to a Noachian subject-matter jurisdiction, and of a *religious* class, originating from the local covenants. The Mosaic covenant doesn't provide for enforcement of

this *mitzvah* through human law. The *mitzvah* has little relevance to modern *secular social compacts* and genuine Christian *religious social compacts*.

Positive *mitzvah* 184: This *mitzvah* mandates that a railing or low protective wall be built on the rooves of new houses, "that you may not bring the guilt of blood upon your house, if anyone should fall from it" (Deuteronomy 22:8b). Israelite houses had flat rooves, and people used them like another room in the house. — This is a moral law, meant to protect people from harm. It's certainly a good practice to avoid accidents. But if the owner of the house did not put a parapet on his/her roof, that, by itself, is not a *delict*, although it certainly offers a hazard to anyone who voluntarily enters onto the roof. Because this *mitzvah* does not pertain to a *delict*, but to a hazard, it does not pertain to something that a *secular social compact* should emulate. If someone pushed someone off the roof, or tricked them into falling, that would be a *delict* regardless of whether the parapet was there or not. If the people of a *religious social compact* want to adopt a law mandating the existence of a parapet, then that's certainly lawful within their territorial jurisdiction. That is what is being mandated in verse 8, the Mosaic covenant being the prototypical *religious social compact*. But the Mosaic covenant does not provide any obvious human-law enforcement (the reference to negative *mitzvah* 298 not withstanding), but that certainly doesn't keep modern *religious social compacts* from devising their own enforcement mechanisms.

Positive *mitzvah* 185: Since the fall, human beings are idol factories. Belief in the existence of God is rational, and is crucial to the existence of rational integrity on a broad scale, and to social coordination on a broad scale. Belief in God and the propensity to idol worship are two factors that oppose each other. So a God-centered *religious social compact* must oppose idolatry wherever it occurs within the *compact*'s territorial jurisdiction. This *mitzvah*, "Destroying all idol worship", Deuteronomy 12:2, is rightly classified under "The Proper Functioning of the Jewish State" because it would be silly for a God-centered *religious social compact* to base itself on a belief that it could continue for very long without restraining idol worship. It's reasonable for a genuine Christian *religious social compact* to take a similarly aggressive posture towards idolatry that exists within its territorial jurisdiction. On the other hand, for such a *religious social compact* to exercise the same aggressive posture outside it's territorial jurisdiction would almost inevitably entail that *compact* becoming a perpetrator of *delicts*. This *mitzvah* is absolutely outside the lawful subject-matter jurisdiction of a lawful *secular social compact*. People authorized to enforce the laws of a *secular social compact* would be duty-bound to prosecute a *religious social compact* that enforced this *mitzvah* outside its territorial jurisdiction.

Positive *mitzvah* 186: As indicated in regard to *mitzvah* 179, Deuteronomy 13:12-18 pertains to a situation in which the inhabitants of a city under the jurisdiction of the Mosaic covenant indulge in worshipping gods other than the God of the Mosaic covenant. While that *mitzvah* required "Inquiring into the testimony of witnesses" before executing justice against the city and its inhabitants, *mitzvah* 186 is more generally "The Law of the Apostate City". But Chavel / Maimonides indicate that it pertains specifically to Deuteronomy 13:17. "The Law of the Apostate City" generally requires the destruction of the city and all of its inhabitants. But Deuteronomy 13:17 requires that when this city that exists within the jurisdiction of the Mosaic *religious social compact* is destroyed, along with its livestock, goods, people, everything, "None of the devoted things shall stick to your hand" (v. 17a). — As stated when examining *mitzvah* 179, if the people of that city entered the Mosaic covenant knowingly and willingly, being fully informed, *i.e.*, with genuine cognitive consent, and if the Mosaic *religious social compact* genuinely had jurisdiction over that city, and if the people of that city were genuinely guilty, then those having authority within such *compact* would be lawful in executing such penalty. On the other hand, if someone in the process of executing the prescribed penalty against the apostate city, filches some pagan religious items that are assigned to destruction, claiming these "devoted things" as his/her own, there is no obvious human-law remedy except this: Such a pilferer would be suspected of being guilty of the same crime as those just executed. — This standard may be lawful within a *religious social compact*, but it would absolutely not be lawful within a *secular social compact*. Pilfering something that's condemned under a *secular social compact* for some completely different and lawful reason, is probably condemned as theft. But under a *secular social compact*, people can practice whatever *religion* they want, with impunity, as long as it doesn't violate the *secular religion*. To avoid being suspected of violation of the *secular religion*, it's suitable for *religious social compacts* to have penalties that are more like those of the Messianic covenant.

Positive *mitzvah* 187: This commandment pertains to "The Law of the Seven Nations" (Deuteronomy 20:10-18). The crux of it appears in verse 17: "[Y]ou shall devote them to complete destruction, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites".[1] This *mitzvah* is probably the most controversial of all the 613 *mitzvoth*, because in it, God commands the Israelites

1 This list in Deuteronomy 20:17 only mentions six enemy nations. Other passages mention other counts of nations, probably depending in part upon the specific territory in view. For example, in God's promises to Abraham in Genesis 15, He mentions ten nations and a much larger territory. Deuteronomy 7:1 includes the Girgashites, who are not mentioned in Deuteronomy 20.

to commit genocide against the more indigenous inhabitants of the promised land. Below, this booklet devotes a complete section to the genocide, so it will not spend more time, energy, and ink on it here.

Positive *mitzvoth* 188-189: Positive *mitzvah* 188 pertains to the "extinction of the seed of Amalek". In Hebrew parlance, "extinction" refers to the penalty of "cutting" people out of the covenant, exiling them, and repudiating their memory. It does not refer to extincting their genetic line entirely, but only as it might exist with the covenant. It's repudiating all their connections to the covenant. When the Israelites came out of Egypt, they were attacked by the Amalekites, the descendants of Amalek, who was the grandson of Esau (Exodus 17). In Deuteronomy 25:17-19, Moses reminds God's covenant people of this, and says, "Therefore when the LORD your God has given you rest from all your enemies around you, … you shall blot out the memory of Amalek from under heaven; you shall not forget." (v. 19) The Amalekites were not one of the seven nations against whom the Israelites were to execute genocide in the process of taking the promised land. But these two commandments make sure that "the seed of Amalek" is treated differently from the rest of the seed of Esau, the rest of the Edomites. As indicated in negative *mitzvah* 54, the Edomites, as relatives to the Israelites through Esau, were not to be excluded entirely from the "assembly of the LORD". That includes all the Edomites with the exception of those who were descendants of Amalek. This blotting out the memory of the Amalekites, this extinction, put the Amalekites at an even greater distance from the covenant community than normal foreigners. — This is moral law and not ceremonial law. It neither supports nor violates the natural rights arising out of the global covenant. So this moral law should not be incorporated into any *secular social compact*. Because it is essentially a commitment to a curse, it should also probably not be incorporated into any genuine Christian *religious social compact*.

Positive *mitzvoth* 190-191: Unlike the Amalekites, who were merely to be blotted out, the other seven nations were to suffer a more egregious fate. But "cities that are at a distance from you and do not belong to the nations nearby" (Deuteronomy 20:15; **ESV**), *i.e.*, to the nations targeted for genocide, these other cities were to be offered "terms of peace". Deuteronomy 20:10-12 gives "The law of non-obligatory war", *mitzvah* 190. This passage indicates that when the Israelites came "near to a city to fight against it", they were to first offer "terms of peace". The terms were that if the inhabitants of the city so chose, they could become slaves of the Israelites instead of being besieged. Even though this is not a strategy of brazen genocide, it is nevertheless clearly a strategy of aggression in war, *i.e.*, of "unjust war". Therefore, it will also be addressed in the section below on genocide. The same is true of *mitzvah* 191, which is about having a priest speak the words of encouragement designated

in Deuteronomy 20:3-4, to the Israelites, as they are on the verge of going into genocidal battle.

Positive *mitzvoth* 192-193: *Mitzvah* 192 is about having a place set aside outside the camp for people to defecate. *Mitzvah* 193 is about having a shovel or trowel with which to cover one's excrement. — These are moral laws that are completely outside the scope of a lawful *secular social compact*, though they are certainly lawful within the subject-matter jurisdiction of a *religious social compact*.

(h) Positive *Mitzvoth* 194-209 (Man's Duties to Man) - "Our Duties towards Our Fellow Men": Although positive *mitzvoth* 194-209 are primarily about good deeds for people to practice towards other people, there are also aspects of these that set guidelines for the administration of *secular social compacts*.

194) A robber to restore the stolen article – Lev 5:23-24

195) To give charity – Deut 15:8-11

196) Lavishing gifts on a Hebrew bondman on his freedom – Deut 15:14

197) Lending money to the poor – Ex 22:25; Deut 15:7-8

198) Lending money to the heathen with interest – Deut 23:20

199) Restoring a pledge[1] to a needy owner – Deut 24:13 (See Negative Commandment 239.)

200) Paying wages on time – Deut 24:15

201) An employee to be allowed to eat of the produce among which he is working – Deut 23:25

202) Unloading a tired animal – Ex 23:5 (See Negative Commandment 270.)

203) Assisting the owner in lifting up his burden – Deut 22:4

204) Returning lost property to its owner – Ex 23:4; Deut 22:1 (See Negative Commandment 269.)

205) Rebuking the sinner – Lev 19:17 (See Negative Commandment 303.)

206) Loving our neighbor – Lev 19:18

207) Loving the stranger – Deut 10:19

208) The law of weights and measures – Lev 19:36

209) Honoring scholars and the aged – Lev 19:32

1 Something held in security or guaranty.

Sub-Div (h) Positive *Mitzvoth* 194-209

In rabbinical understanding of the *Torah*, there is a difference between a thief and a robber.[1] This radical distinction comes directly from the *Torah*, which can be seen by comparing Exodus 22:1-4 with Leviticus 6:1-7. Generally, in rabbinical understanding, the passage in Exodus describes the treatment for a thief, while the passage in Leviticus describes the treatment for a robber. Positive *mitzvah* 194 pertains only to Leviticus 6:1-7 (Leviticus 5:20-26 in the *Tanakh*), more specifically to 6:4-5, which reads thus in the **ESV**:

> [I]f he has sinned and has realized his guilt and will restore what he took by robbery or what he got by oppression or the deposit that was committed to him or the lost thing that he found or anything about which he has sworn falsely, he shall restore it in full and shall add a fifth to it, and give to him to whom it belongs on the day he realizes his guilt.
>
> (Leviticus 6:4-5; **ESV**)

This person who wants to repent for unlawfully holding someone else's property could be something other than a robber. He could have deceived his victim about a security or a *bailment*, used extortion against his victim, found something belonging to someone else then lying about it for the sake of keeping it, or robbed someone else. This passage emphasizes that when the perpetrator comes to his/her right mind about the misappropriated thing, then he/she should return it to its rightful owner. But he/she should also add a fifth in value to the misappropriated object when he/she returns it. Verses 6-7 indicate that the penitent should also take a guilt offering to the priest for the sake of gaining atonement. — This is primarily moral law, but the remedy is also in part ceremonial. The guilt offering is obviously ceremonial and sacrificial, and is obviously abrogated. But the moral underpinnings are not abrogated. Restitution is critical in a situation like this, and restitution should include something akin to this additional fifth for the sake of paying the victim for his/her trouble. *Secular social compacts* and *jural societies* in general should practice this standard of restitution. But restoring the perpetrator is not the job of the *secular social compact*, but of the *religious social compact*. While restoring the perpetrator by way of something like a guilt offering is within the purview of a genuinely Christian *religious social compact*, it is not within the purview of a *secular social compact*.

Positive *mitzvah* 195: Deuteronomy 15:7-11 is a commandment "To give charity", to be charitable to the poor. This is clearly and exclusively moral law. But this has absolutely nothing to do with the globally prescribed human law that comes

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1 Asher Benzion Buchman, "Thieves and Robbers: The Ganav and the Gazlan in Jewish Law", **Hakirah: The Flatbush Journal of Jewish Law and Thought**, vol. 22. — URL: http://www.hakirah.org/Vol22Buchman.pdf, retrieved 16 November 2018.

out of Genesis 9:6. It is completely outside the scope of the *secular religion*. Being charitable to the poor is what morally upright people do without any human-law encouragement from any kind of human government. So *secular social compacts* have no grounds upon which to enforce entitlement programs, welfare, or other kinds of "charitable" redistributions of wealth. The extent to which *religious social compacts* do these kinds of things is purely the business of those party to such *religious social compacts*. Surely, every genuine Christian *religious social compact* should be charitable to whoever needs help.

Positive *mitzvah* 196: This *mitzvah* pertains to "Lavishing gifts on a Hebrew bondman on his freedom", Deuteronomy 15:12-18, especially versus 13 and 14. The Hebrew slave was to serve no more than six years, unless he/she volunteered for a lifetime. When the six years were up, the slave's master was "not to let him go empty-handed" (v. 13), but was to "furnish him liberally out of your flock, out of your threshing floor, and out of your winepress" (v. 14). This was to emulate the way that the Egyptians were forced to lavish gifts on the Israelites during the Exodus. — This is clearly moral law, not ceremonial law. But this *mitzvah* doesn't aim specifically to support the natural rights implicit in the global covenant. This law should therefore never be replicated in a *secular social compact*. But should it be replicated in a genuine Christian *religious social compact*? Chapter 20 of the WCF is, "Of Christian Liberty and Liberty of Conscience". That chapter showcases the New Testament's attitudes about liberty and conscience. Although the Messianic covenant does not clearly and obviously call for the abolition of slavery, it makes it unavoidably obvious that genuine Christians will gladly grant such liberty to others. It's thereby clear that progressive understanding of the Messianic covenant will lead inevitably to the abolition of slavery. Under such circumstances, this *mitzvah* is abrogated, although the underlying moral principle that one should be generous to the newly freed is not abrogated.

Positive *mitzvah* 197: This *mitzvah* pertains to lending money to poor Israelites. Deuteronomy 15:7-11 and Exodus 22:25 indicate that Israelites are to lend money to other Israelites without exacting interest, and without acting like the typical creditor. — This is moral law and not ceremonial law. But it is not moral law that translates directly into a manifestation of the global prescription of human law. It is not global, but local. No *secular social compact* should ever implement a law like this. But *religious social compacts* are something else entirely. Do modern Christian churches implement this moral standard within their communities? Generally, no. The failure of this moral principle to exist within quasi-Christian quasi-communities is a symptom of how underdeveloped Christian churches and communities are.

Genuine Christian *religious social compacts* should be upholding this as a moral standard within their communities.

Positive *mitzvah* 198: In contrast to *mitzvah* 197, Deuteronomy 23:20 allows the Israelite to lend money at interest to foreigners. This demands a clear and careful delineation of who is in the visible Church and who is not. — This again is moral law and not ceremonial law. It is not derivable directly from Genesis 9:6, and should not be implemented within a *secular social compact*. In fact, immediately under the jurisdiction of a *secular social compact* is a free market in which people are free to engage in whatever kind of contract they like, so long as it doesn't call for the perpetration of any *delict*. So people can charge interest or not as they see fit. But within a genuinely Christian *religious social compact*, if people are denied the capacity to make interest off loans to other members of the *compact*, it might completely deny creditors the capacity to earn money if this limitation were extended to non-members. This is the moral underlayment supporting both *mitzvah* 197 and *mitzvah* 198.

Positive *mitzvah* 199: This *mitzvah* stipulates that when an Israelite makes another Israelite a loan, in which the debtor gives to the creditor security to guarantee that he/she will pay the debt, there is certain treatment of the security, pledge, guaranty that the creditor should observe (Deuteronomy 24:10-13). The creditor doesn't go into the debtor's house, and if the security is the debtor's cloak, and the debtor is poor, then the creditor will return the cloak before the sun sets. — This again is moral law and not ceremonial law. But it again has nothing to do with Genesis 9:6, except that it pertains to a contract. But if a contract is not broken and doesn't stipulate the perpetration of a *delict*, then it remains outside the subject-matter jurisdiction of the global covenant, and therefore is outside the lawful jurisdiction of any *secular social compact*. This contract being between Israelites, it is a prototype for lending contracts between genuine Christians. If it's not followed literally within genuine Christian *religious social compacts*, then at least the spirit of it deserves to be emulated.

Positive *mitzvah* 200: Deuteronomy 24:14-15 pertain to the treatment by Israelites of hired workers, regardless of whether the hirelings be Israelites or foreigners. This *mitzvah* indicates that such workers should not be oppressed, where oppression would consist of something like not paying them timely. — This *mitzvah* is also moral law instead of ceremonial. But it's outside the scope of globally prescribed human law. It should therefore not be converted into human law under the subject-matter jurisdiction of a *secular social compact*. But it should definitely be emulated by genuinely Christian *religious social compacts*, if not literally, then at least in spirit.

Positive *mitzvah* 201: This *mitzvah* stipulates that agrarian employees should be allowed to eat the produce they are harvesting, as long as they don't take more

than they can eat at the given time. This essentially establishes a spirit of generosity between neighbors without going so far as to damage the producer. — This is moral law, outside the jurisdiction of any lawful *secular social compact*. It may or may not be worthy of emulation among genuine Christian *religious social compacts*. Surely this spirit of generosity deserves emulation, even if it doesn't translate well into human law.

Positive *mitzvah* 202: Exodus 23:5 addresses a situation in which a donkey has gone prone under its burden, presumably because it's tired. The situation is compounded by the condition that the one who owns the donkey hates the one trying to follow the Mosaic covenant. This *mitzvah* holds that the Israelite should unburden the animal and make sure that it and its cargo arrive at their destination. — Because this mandates that Israelites should help even those who hate them, it is moral law and not ceremonial law. It's far outside the jurisdiction of any lawful *secular social compact*. It is well within the lawful jurisdiction of any genuinely Christian *religious social compact*.

Positive *mitzvah* 203: Deuteronomy 22:4 is like *mitzvah* 202 in that both involve beasts of burden that have fallen down. But in this case, the beast doesn't belong to an enemy, but to a "brother". The emphasis here is on the Israelite's duty to help. — It's moral law, unenforced by human law, like all the positive *mitzvoth* except two. It has nothing to do with globally prescribed human law, and is outside the jurisdiction of lawful *secular social compacts*. It certainly deserves replication in a genuine Christian *religious social compact*.

Positive *mitzvah* 204: This *mitzvah* is about making sure that personal property, including ox, sheep, or donkey, that belongs to either an enemy (Exodus 23:4) or a brother (Deuteronomy 22:1), should be restored to the enemy or brother when it is going astray. — This is moral law. No *secular social compact* should ever mandate that people behave in this way, even though it's certainly a good way to behave. This is in the subject-matter jurisdiction of genuinely Christian *religious social compacts*.

Positive *mitzvah* 205: Leviticus 19:17 says: "You shall not hate your brother in your heart, but you shall reason frankly with your neighbor, lest you incur sin because of him." (**ESV**) The more traditional translations juxtapose not hating one's brother and rebuking him at the same time. Probably the **ESV** translators reasoned that "rebuke" is often seen as hateful in the 21st century, so they replaced it with "reason frankly". — This is moral law. It cannot be lawfully enforced under the immediate jurisdiction of a *secular social compact* because it's outside the subject-matter jurisdiction of the lawful *secular social compact*. But this moral standard is critical to the operation of every genuine Christian *religious social compact*, with an emphasis on "reason frankly" rather than on "rebuke".

Positive *Mitzvoth* 194-209

Positive *mitzvah* 206: Leviticus 19:18 says, "You shall not take vengeance or bear a grudge against the sons of your own people, but you shall love your neighbor as yourself: I am the Lord." (**ESV**) Love thy neighbor as thyself is the second of the two great commandments of biblical Christianity. It is moral law, not ceremonial law. It would be extremely difficult to enforce as human law. This is precisely why it should never be enforced under a *secular social compact*. But every genuine Christian *religious social compact* should do everything possible to encourage participants in this moral principle.

Positive *mitzvah* 207: This *mitzvah* mandates that Israelites should love strangers, because they were strangers in Egypt (Deuteronomy 10:19). This again is moral law that cannot be implemented in a *secular social compact*. But this, again, should be replicated in every genuine Christian *religious social compact*.

Positive *mitzvah* 208: "The law of just weights and measures" appears in Leviticus 19:35-36. The meaning of this *mitzvah* is summarized well in a Ligonier Ministries devotional page:

> Merchants are not permitted to defraud their customers with standards that allow them to sell less of a product than their buyers think they are getting, and they may not use mislabeled units to buy more of a product than a seller thinks he is selling. The same principles apply to the consumer as well; we are not to cheat merchants out of the fruit of their labor by fraud, theft, or other immoral means. Similarly, governments should not employ unequal measures via the inflation of currency, ever-changing standards of weight, and so forth.[1]

Given that Article I § 8 clause 5 of the U.S. Constitution says explicitly that "Congress shall have Power To … fix the Standard of Weights and Measures", it's obvious that governments have had this kind of power for a long time. This is clearly moral law and not ceremonial law. Furthermore, this *mitzvah* is aimed specifically at vanquishing fraud from commercial contracts. Although it may be outside the lawful subject-matter jurisdiction for a *secular social compact* to "fix the Standard of Weights and Measures", all adjudication within the immediate jurisdiction of *secular social compacts* must be on the side of just weights and measures. This *mitzvah* is therefore a crucial aspect of any implementation of the *positive-duty clause* in Genesis 9:6. This *mitzvah* helps to enforce the *secular religion* under the immediate

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1 Ligonier Ministries Devotionals, "Unequal Weights and False Scales". — URL: https://ligonier.org/learn/devotionals/unequal-weights-and-false-scales/, retrieved 20 November 2018.

jurisdiction of the Mosaic covenant. It should certainly be emulated in *secular social compacts*.

Positive *mitzvah* 209: Leviticus 19:32a says: "'You shall stand up before the gray head and honor the face of the old man" (**ESV**). This says nothing about scholars, although the *mitzvah* according to Maimonides is, "Honoring scholars and the aged". The addition of scholars must be the **eisegesis** of rabbinical scholars. — Honoring the aged is certainly a good thing. It is moral law. But it doesn't arise rationally out of Genesis 9:6. It therefore does not aim directly to support the natural rights acknowledged and supported by the global covenant. A *secular social compact* should therefore never replicate it. On the other hand, it is obviously prudent to replicate this *mitzvah* in genuinely Christian *religious social compacts*.

(i) Positive *Mitzvoth* 210-223 (Man's Duties to Man) - "The Duties Attaching to Family Life": Positive *mitzvoth* 210-223 may be ostensibly about duties attaching to family life, but there are implications herein that go well beyond the nuclear family.

210) Honoring parents – Ex 20:12
211) Respecting parents – Lev 19:3
212) Be fruitful and multiply – Gen 1:28
213) The law of marriage – Deut 24:1
214) Bridegroom devotes himself to his wife for one year – Deut 24:5
215) The law of circumcision[1] – Gen 17:10; Lev 12:3
216) Law of the Levirate Marriage – Deut 25:5 (See Negative Commandment 357.)
217) Law of *Chalitzah*[2] – Deut 25:9
218) A violator to marry the maiden he has violated – Deut 22:29
219) The law of the defamer of his bride – Deut 22:18-19 (See Negative Commandment 359.)
220) The law of the seducer – Ex 22:16; Deut 22:29
221) The law of the captive woman – Deut 21:11

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1 The penalty for not being circumcised is *kareth*, that is, being "cut off from his people" (Genesis 17:10). *Kareth* is the same penalty as "extinction". (See the footnote to Positive Commandment 55.)

2 Taking off the shoe. A "deceased brother's wife is to perform *Chalitzah* … on her brother-in-law, if he will not marry her." — Maimonides, **The Commandments**, vol.1, p. 231.

Sub-Div (i) Positive *Mitzvoth* 210-223

222) The law of divorce – Deut 24:1

223) The law of a suspected adultress – Num 5:12

Positive *mitzvoth* 210-211 pertain to honoring one's father and mother. This duty is one of the ten commandments (Exodus 20:12). But like the other commandments in Exodus 20, it is not presented there as either human law or ceremonial law, but as moral law. But it is moral law that has no grounding in Genesis 9:6. It should therefore never be made human law under a *secular social compact*. But because it is grounded in the moral law leg of the natural law, every genuine Christian *religious social compact* should expound it thoroughly. — There may be some significant distinction between honoring one's parents and respecting them, but even if there is, it shows little significance in the discernment of biblical jurisdictions. What is being said here about "Honoring parents" (*mitzvah* 210) applies also to "Respecting parents" (*mitzvah* 211).

Positive *mitzvah* 212: This *mitzvah* is "Be fruitful and multiply", which is based on Genesis 1:28. It's important to recognize that this *mitzvah* comes from the Edenic covenant rather than from the Mosaic covenant. It acts as confirmation of a belief that's crucial to this chronological **exegesis**, namely, that each biblical covenant is a set of appendments and amendments to the pre-existing covenant, where the Edenic covenant is the original. — This is obviously moral law. *Secular social compacts* have no business trying to enforce it, even though it is still an important part of the Messianic covenant that every genuine Christian *religious social compact* should observe.

Positive *mitzvah* 213: "The law of marriage" (Deuteronomy 24:1-4) is probably better characterized as being the law of divorce. It basically stipulates that when a man divorces a woman; and the woman remarries and the second marriage is terminated by divorce or the death of this second husband; "then her former husband … may not take her again to be his wife" (v. 4). This is because she is "defiled" after the second marriage, and "that is an abomination before the Lord". — This is moral law. It is outside the subject-matter jurisdiction of the *secular religion*, and should never be enforced by a *secular social compact*. It may or may not be prudent to expound it within genuine Christian *religious social compact*, depending upon whether parties to the *compact* understand it to be more ethnically Israelite than fundamentally moral and Messianic. Some may consider it to be non-sacrificial ceremonial law that is adiaphoristic, second-order, or even abrogated.

Positive *mitzvah* 214: This *mitzvah* contends that every "Bridegroom devotes himself to his wife for one year" (Deuteronomy 24:5). This means that such a newly wed should not be expected to "go out with the army or be liable for any other public duty". — Again, this is moral law that is outside the subject matter of any lawful

secular social compact. Like *mitzvah* 213, it may or may not be prudent to expound it within genuine Christian *religious social compacts*, depending upon whether parties to the *compact* understand it to be more ethnically Israelite than fundamentally moral and Messianic. Some may consider it to be non-sacrificial ceremonial law that is adiaphoristic, second-order, or even abrogated.

Positive *mitzvah* 215: This is "The law of circumcision". Like *mitzvah* 212, it is based on a previous covenant, but this time, the Abrahamic covenant (Genesis 17:10-14). Leviticus 12:3 indicates positively that this rudimentary aspect of the Abrahamic covenant exists unchanged in the Mosaic covenant. This is ceremonial law, but whether it's sacrificial ceremonial law or non-sacrificial ceremonial law has yet to be determined, although there was a preliminary finding above, under the "Preliminary Conclusions" section. Of course, if it's sacrificial ceremonial law, then it's abrogated, even though the moral undergirdings of it cannot be abrogated. The moral undergirdings point to an inherent need in each biblical covenant for signs and seals of participation in the covenant. The extent to which it's abrogated under the Messianic covenant depends in large part upon its relationship to the principles cited in Chapter 20 of the WCF, "Of Christian Liberty and Liberty of Conscience". Although the Mosaic covenant follows the Abrahamic covenant in "cutting" uncircumcised men off from God's covenant people, it's yet to be determined how that approach to initiating people into the covenant, that approach to signs and seals of the covenant, and that approach to expelling people from the covenant, compare and contrast with "Christian Liberty and Liberty of Conscience". Therefore, final conclusions about circumcision will be postponed until examination of the genocide, and perhaps until examination of the Messianic covenant. It's certain that circumcision has been abrogated for non-Jewish Christians, while for Jewish Christians, it has been demoted to adiaphora or second-order doctrine and practice. But how these findings relate to "Christian Liberty and Liberty of Conscience" is fundamental, and demands more thorough examination. Immediately under the Mosaic covenant, this is one of the two positive *mitzvoth* that are also human law because they're accompanied by penalties. The penalty in both cases is being "cut off", "extincted", exiled.

Positive *mitzvoth* 216-217: The "Law of the Levirate Marriage" (Deuteronomy 25:5-10) holds that among brothers who dwell together, when one dies without a son, the surviving brother should marry the widow for the sake of keeping the dead brother's line alive. This can be understood to be non-sacrificial ceremonial law that has been demoted to adiaphora or second-order doctrine and practice. It certainly has no place under the immediate subject-matter jurisdiction of a *secular social compact*. — *Mitzvah* 217 is the "Law of *Chalitzah*", which describes what the

widow does if the surviving brother refuses to take her as his wife. She goes to the elders of the city, who call the brother before them, and she takes the sandal off one of the brother's feet, spits in his face, and says, "So shall it be done to the man who does not build up his brother's house." This is still non-sacrificial ceremonial law that has been demoted to adiaphora or second-order doctrine or practice.

Positive *mitzvah* 218: This *mitzvah*, Deuteronomy 22:28-29, stipulates that a man who takes an unbetrothed girl's virginity, and is discovered, must give her father fifty shekels of silver, must marry her, and can never divorce her. — If one considers this to be ceremonial law, then one must also conclude that it is non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine and practice. If one considers this to be moral law, then one must discern its relationship to the *secular religion*. If the extramarital sex is consensual, and the two are above the age of consent, each having sufficient cognitive capacity, then this is subject matter that is totally outside the purview of the *secular religion* and of any lawful *secular social compact*. But if the extramarital sex is not consensual, then the act is a *delict* and the perpetrator deserves prosecution by whatever *jural society* has jurisdiction. When the extramarital sex is non-*delictual*, any genuine Christian *religious social compact* that has jurisdiction over the case should follow the moral guidelines of this passage even if it doesn't follow this *mitzvah* literally.

Positive *mitzvah* 219: This *mitzvah* concerns a situation in which a man marries a woman under the presumption that she is a virgin, consummates the marriage, then accuses her of not having been a virgin. This *mitzvah* pertains to the condition in which the woman and her parents can prove that she was a virgin at the time of the wedding. Under this condition, "the elders of that city shall take the man and whip him, and they shall fine him a hundred shekels of silver and give them to the father of the young woman … And she shall be his wife. He may not divorce her all his days." (Deuteronomy 22:18-19; **ESV**) — This is a case of fraud being perpetrated by the husband against his new wife. This *mitzvah* describes the penalty for such fraud. He essentially was claiming that he had married his young wife with the understanding that she was a virgin, but the marriage contract was invalid because she was not a virgin. Whenever damage arises in the *secular* arena, where such damage arises out of a contract, a *secular ecclesiastical* court may have original jurisdiction. *Secular social compacts* should therefore recognize this kind of case, and this *mitzvah*. But this *mitzvah* marks the judgment of a *religious social compact*, obviously, since *secular social compacts* were not known to exist then, in part because the Noachian covenant had gone dormant to the humans alive then. Even though those officiating in a *secular ecclesiastical* court might take notice of this kind of case, a *secular ecclesiastical* court would be limited to adjudicating the case based on the

title-transfer theory of contracts, which disallows "naked promises".[1] By default, *religious ecclesiastical* courts use the ***property-interest model*** of contracts.[2] A *secular social compact* would not be able to produce a judgment similar to the one reached in Deuteronomy 22:18-19. It's a lawful judgment in a *religious social compact*, but not in a *secular social compact*. So it must be concluded that this law does not aim directly at supporting the natural rights acknowledged and supported by the global covenant. This law might or might not be prudent to replicate in a genuine Christian *religious social compact*.

Positive *mitzvah* 220: This *mitzvah* is very much like *mitzvah* 218. But this *mitzvah* includes Exodus 22:16-17, rather than being based exclusively on Deuteronomy 22:28-29. The Deuteronomy version indicates that when the man is discovered having had sex with the virgin, he must pay fifty shekels of silver to the girl's father. The Exodus version merely indicates that he must "pay money equal to the bride-price for virgins" (v. 17). Another difference is that the Deuteronomy version implies probable rape but leaves open the possibility that it was seduction. The Exodus version specifically indicates seduction rather than rape. Also, the Exodus version leaves open the possibility that the father might refuse to allow his daughter to marry the man. If the father refuses, the seducer is still required to pay the father. — If this is ceremonial law, then it is clearly not sacrificial. This means that this law is adiaphoristic or a second-order doctrine and practice. But it's probably better to treat it as moral law rather than ceremonial law. It clearly does not aim directly to support the natural rights acknowledged and supported by the global covenant. That's because seduction of a woman who has reached the age of consent, and who consents to being seduced, is not a *delict*. The conclusion is that this moral law should not be replicated in any *secular social compact*, although it might be prudent to replicate it in a genuine Christian *religious social compact*.

Positive *mitzvah* 221: This *mitzvah* is "The law of the captive woman" (Deuteronomy 21:10-14). It stipulates the conditions under which an Israelite is permitted to take as a wife a woman captured in war. — If this is taken to be ceremonial law, then it's obviously non-sacrificial ceremonial law. Under this condition, this *mitzvah* is adiaphoristic or a second-order doctrine or practice. On the other hand, if this is taken to be moral law, then it's important to understand it from the perspective of the global covenant. If one assumes that the war was a just war, and if one assumes that women have natural rights equal to men, and cannot

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1 Regarding ***title-transfer theory***, see above, Part II, Chapter 8, Sub-Chapter 7, Section (ii), "Social Compact".

2 See Porter, **A Memorandum of Law & Fact about Contracts**. — URL: http://BasicJurisdictionalPrinciples.net.

be treated like **secondary property**, then this *mitzvah* ceases to have any legitimacy. She is essentially a prisoner of war, rather than booty. In those days, prisoners of war were often turned into slaves. But verse 14 clearly indicates that she was not to be treated as a slave. Her consent to being married is not addressed in this passage. Like many other aspects of the Mosaic covenant, consent and natural rights were treated as negligible. Because this *mitzvah* really goes against the grain of natural rights, in keeping with the overall dormancy of Genesis 9:6, this *mitzvah* absolutely should not be replicated in a *secular social compact*. Because it tends to violate natural rights, it should also never be replicated in a genuine Christian *religious social compact*.

Positive *mitzvah* 222: This is the same passage covered by *mitzvah* 213, Deuteronomy 24:1-4, "The law of marriage". What has been said above about 213 applies to 222.

Positive *mitzvah* 223: Numbers 5:11-31 describes the test for adultery, "The law of the suspected adultress", also sometimes known as the "ordeal of bitter water". If a husband becomes jealous, and suspicious that his wife is an adultress, but without proof, then the man can take his wife to the priest along with an offering of barley. Then the priest goes through the ceremony described in this passage. — This is clearly ceremonial law. Because it requires the priest, an offering, and the existence of the sanctuary, this is also sacrificial ceremonial law. This means that this law has been abrogated, and should not be practiced by genuine Christians.

(j) Positive *Mitzvoth* 224-231 (Man's Duties to Man) – "The Enforcement of the Criminal Law": Positive *mitzvoth* 224-231 are man's duties to man that pertain, in the opinion of Maimonides, to the enforcement of criminal law.

224) Whipping transgressors of certain commandments – Deut 25:2

225) The law of manslaughter – Num 35:25

226) Beheading transgressors of certain commandments – Ex 21:20

227) Strangling transgressors of certain commandments – Lev 20:10

228) Burning transgressors of certain commandments – Lev 20:14

229) Stoning transgressors of certain commandments – Deut 22:24

230) Hanging after execution, transgressors of certain commandments – Deut 21:22

231) Burial on the day of execution – Deut 21:23

Deuteronomy 25:1-3, *mitzvah* 224, describes the conditions under which a transgressor is whipped in a court. Contrary to Maimonides, the transgression doesn't need to be confined to "certain commandments". It can exist whenever a controversy arises between men. The controversy could be *ex delicto*, *ex contractu*, arising out of *secularly* recognizable damage, or out of damage that is not *secularly* recognizable. — This is obviously not ceremonial law, so it is moral law. This *mitzvah* merely describes one of the punishments available to the Mosaic courts. It does not aim strictly at supporting the global covenant. It is a punishment that might be appropriate in either a *secular social compact* or a *religious social compact*. The fact that the jurisdictionally dysfunctional American secular courts do not have this punishment executed against offenders in the present era is not sufficient reason to discard this punishment entirely. This punishment could be used lawfully in either a *secular social compact* or a *religious social compact*. Any kind of man-executed punishment changes moral law into human law, or, as the WCF puts it, into "judicial laws".

Positive *mitzvah* 225: Numbers 35:22-29 give "The law of manslaughter". Numbers 35:9-34 show the role the "six cities of refuge" play in the execution of justice against an Israelite or sojourner who has killed another Israelite or sojourner. Such a person who killed another such person intentionally was judged a murderer, and was to be put to death. Such a person who killed another such person unintentionally was to flee to a city of refuge in order to avoid being the victim of "the avenger of blood". Then there was to be a trial in the city of refuge, at which evidence would be presented to judges for the sake of determining whether the manslayer was guilty of murder or manslaughter. If it was manslaughter, then the manslayer was to remain in the city of refuge until the death of the high priest, at which time he/she could return home. — This is obviously moral law that clearly pertains to severe damage *ex delicto*. This *mitzvah* therefore pertains to the enforcement of the *secular religion*, having its origin in the Noachian covenant. This *mitzvah* being the description of the punishment for manslaughter, it is certain that this *mitzvah* is moral law that has been translated into human law. So it may be prudent for the modern *secular social compact* to emulate this model set by the Mosaic covenant,[1] and it may be prudent for the *jural society* of any genuine Christian *religious social compact* to do the same.[2]

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1 Excluding the dependency upon the death of the high priest.

2 The cities of refuge are useful when there are "avengers of blood" among the population. In the ancient Middle East, each clan had members who would be the avenger

Positive *Mitzvoth* 224-231

Positive *mitzvah* 226: There are apparently no explicit specifications of beheading as punishment for a crime in the *Torah*. Rabbinical literature apparently recognized beheading as valid punishment, for example, for when a whole city was to be put to the sword for idolatry (Deuteronomy 13:12-18). The verse cited by Maimonides, Exodus 21:20, is about a master beating his slave to death. This verse indicates that "he shall be avenged", meaning that the master should be punished. But the *Torah* says nothing there about beheading the master, although the rabbis believed that beheading was an appropriate punishment for the master.[1] Although other parts of the *Tanakh* mention beheading, because it is not mandated in the *Torah*, and therefore is not explicitly part of the Mosaic covenant, this booklet will give it no more consideration. In fact, it's important to note that there are only three modes of capital punishment mentioned in the *Torah*: stoning, burning, and sword.[2] Because beheading is probably rabbinical extrapolation from sword, sword should be considered here as a substitute for beheading. — The natural-rights polity demands proportional retribution for *delicts*. That could include use of the sword in capital punishment.

Positive *mitzvah* 227: Like beheading, strangulation does not appear in the *Torah* as punishment for a crime. Maimonides cites Leviticus 20:10 in his *mitzvah*, "Strangling transgressors of certain commandments". This verse indicates that "the adulterer and the adulteress shall surely be put to death". In fact, in rabbinical literature, strangulation "is the penalty incurred by the perpetrator of any one of the crimes to which the Pentateuch affixes death, without specifying the mode of death and where no conclusions from Gezerah Shawah can be deduced."[3] The conclusion

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of blood when the need arose. Under the natural-rights polity, vigilance committees and *jural societies* would take that responsibility. So under the natural-rights polity, there might again need to be cities of refuge to keep feuding to a minimum. These days, there is a tacit assumption that there is no need for cities of refuge because most people believe that the police agencies of the jurisdictionally dysfunctional secular governments enforce adequately against manslayers. On the other hand, many Americans are starting to wake up to the fact that these police agencies are not adequate against *delicts* in general, including against manslayers.

1 According to Morris Jastrow, Jr., W. Max Muller, Marcus Jastrow, Louis Ginzberg, "Beheading", **Jewish Encyclopedia**, 1906, who cite Mekilta Mishpatim, 7. — URL: http://jewishencyclopedia.com/articles/2770-beheading, retrieved 23 November 2018.

2 Marcus Jastrow, S. Mendelsohn, "Capital Punishment", **Jewish Encyclopedia**. — URL: http://jewishencyclopedia.com/articles/4005-capital-punishment, retrieved 23 November 2018.

3 Marcus Jastrow, S. Mendelsohn, "Capital Punishment", **Jewish Encyclopedia**. — URL: http://jewishencyclopedia.com/articles/4005-capital-punishment, retrieved 23

here is that because it doesn't appear in the *Torah*, its place in the Mosaic covenant is dubious.

Positive *mitzvah* 228: This *mitzvah* is "Burning transgressors of certain commandments". The transgression cited is Leviticus 20:14. It indicates that if a man takes both his wife and his wife's mother, all three will be burned, presumably to death. — First, it's important to recognize that this kind of sexual perversion is not a *delict*, and therefore cannot be made illegal under the immediate jurisdiction of a *secular social compact*. However, it's certainly legitimate for a *religious social compact* to punish its members in this way and for this reason, as long as the prohibition and punishment are written explicitly into the *compact*. In the *united States*, death by fire is no longer used in capital punishment, probably because it's deemed "cruel and unusual punishment". For any genuine Christian *religious social compact*, it's probably prudent to follow the American example, and to deem death by burning as cruel and unusual.

Positive *mitzvah* 229: This *mitzvah*, "Stoning transgressors of certain commandments", has its example transgression in Deuteronomy 22:23-24. These verses indicate that if a betrothed virgin lies with a man in the city, they are both to be stoned to death at the city gate. — This act does not constitute a *delict*, and it is therefore not illegal under the immediate jurisdiction of a lawful *secular social compact*. But it's certainly lawful for a *religious social compact*, like the Mosaic covenant, to make this act illegal for its parties. It's also lawful, although perhaps not prudent, for a *religious social compact* to punish this kind of infraction with this kind of punishment. It's probably prudent for both *secular social compacts* and *religious social compacts* to avoid using this kind of punishment on the grounds that it is "cruel and unusual punishment".

Positive *mitzvoth* 230-231: *Mitzvah* 230 is, "Hanging after execution, transgressors of certain commandments". Deuteronomy 21:22-23 indicates that after a man has suffered capital punishment, it may be appropriate to hang him on a tree (v. 22), as long as he doesn't remain there over night (v. 23). Hanging was not a form of execution. It was a form of exhibition. This kind of exhibition is not necessary to the enforcement of laws under the natural-rights polity, and it should therefore not be replicated under any *secular social compact*. It could be lawful under a *religious social compact*, but that doesn't mean it would be prudent.

November 2018.

Sub-Div (k) Positive *Mitzvoth* 232-248

(k) Positive *Mitzvoth* 232-248 (Man's Duties to Man) – "The Laws Relating to Property, Real and Personal": "The Laws Relating to Property, Real and Personal", is the last section of the positive *mitzvoth*, 232-248:

232) The law of the Hebrew bondman – Ex 21:2
233) Hebrew bondmaid to be married by her master or his son – Ex 21:7-8
234) Redemption of a Hebrew bondmaid – Ex 21:8
235) The law of a Canaanite bondman – Lev 25:44-46; Ex 21:26-27
236) Penalty of inflicting injury – Ex 21:18; Lev 24:19
237) The law of injuries caused by an ox – Ex 21:28
238) The law of injuries caused by a pit – Ex 21:33
239) The law of theft – Ex 21:16, 22:1-4
240) The law of damage caused by a beast – Ex 22:5
241) The law of damage caused by a fire – Ex 22:6
242) The law of an unpaid bailee – Ex 22:7
243) The law of a paid bailee – Ex 22:10
244) The law of a borrower – Ex 22:14
245) The law of buying and selling – Lev 25:14
246) The law of litigants – Ex 22:9
247) Saving the life of the pursued – Deut 25:11-12 (See Negative Commandment 293.)
248) The law of inheritance – Num 27:8-11;

Positive *mitzvoth* 232-235: Positive *mitzvah* 232 is "The law of the Hebrew bondman". It's described in Exodus 21:2-6. A bondman is essentially a slave, except that Hebrew men were not to own other Hebrew men in perpetuity, except when the slave volunteered to be the other man's perpetual property. In general, Hebrew slaves were to serve for six years, and to go free in the seventh. This makes the Hebrew bondman more like the indentured servants of colonial America. — This is not ceremonial law, but is rather moral law that is within the subject matter of Genesis 9:6. Slavery isn't allowed under any lawful *secular social compact*, even if the presumptive slave volunteers for it. That's because it cannot be enforced under the ***title-transfer theory*** of contracts, and forced slavery is inherently a *delict*. Voluntary slavery could exist under a *religious social compact*, because *religious ecclesiastical* courts are by definition allowed to use the ***property-interest model*** of contracts instead of the ***title-transfer theory***. This means that *mitzvah* 232, and other *mitzvoth* that

pertain inherently to slavery, like *mitzvoth* 233-235, are essentially null under the natural-rights polity. Under the Mosaic covenant they could exist only because the strict understanding of Genesis 9:6 was dormant to human understanding. It was this way during the entire pre-Christian era.

Positive *mitzvah* 236: This is the "Penalty of inflicting injury". Leviticus 24:19-20 shows this penalty at its most rudimentary: "If anyone injures his neighbor, as he has done it shall be done to him, fracture for fracture, eye for eye, tooth for tooth; whatever injury he has given a person shall be given to him." (**ESV**) — This is not ceremonial law, but is rather moral law that is within the subject matter of Genesis 9:6. This clearly describes a *delict*, an injury caused by one person against another. This is clearly within the subject-matter jurisdiction of globally prescribed human law, deriving rationally from Genesis 9:6. As stated in Leviticus 24, it is clearly the *lex talionis*, the law of retaliation. As argued above,[1] *delicts* are better understood to be punishable under a proportionality than under the direct one-to-one correspondence apparent in a face-value reading of this passage. The proportionality is, the victim's shed life is to the victim's total life as the perpetrator's shed life is to the perpetrator's total life. Much of the argumentation arising out of Genesis 9:6 arises also out of Leviticus 24:17-20, the difference being in their respective *in personam* jurisdictions. The case in Exodus 21:18-19 is different from the one in Leviticus. The passage in Exodus describes a fight between two men, in which one happens to suffer more damage than the other. The relative winner in such a fight "shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed" (v. 19). Under a lawful *secular social compact*, as long as the fight is strictly between the two men and is not turning into a riot in which wanton damage is being done to more than merely the two men, and as long as no one else is being threatened with harm, the principals within the *jural society* have no business interfering any more than is necessary to keep the peace, and they have no business forcing the winner to pay for the relatively greater damage of the loser. So this clause, "he shall pay for the loss of his time, and shall have him thoroughly healed", is more a function of the Mosaic *religious social compact* than of any lawful *secular social compact*. But if the injury arises not out of a mutually consensual fight, but out of an assault or an ambush, then it's clearly a *delict*, and it is very much the concern of whatever *jural society* has jurisdiction, regardless of whether the *jural society* is a subset of a *secular social compact* or of a *religious social compact*.

Positive *mitzvah* 237: "The law of injuries caused by an ox" also clearly involves the existence of a *delict*. The *delict* may not have been caused directly by one person against another, but because an ox is a domesticated animal for which the owner

1 Part II, Chapter 8, Sub-Chapter 5, "Subject Matter of Positive-Duty Clause".

is responsible, the owner is liable. Exodus 21:28-32 describes several different situations in which an ox injures a human. Like all the *mitzvoth* so far in this tenth section of the positive *mitzvoth*, this is certainly not ceremonial law, but is instead moral law. It is moral law that definitely involves the natural rights acknowledged and supported by the global covenant. This *mitzvah* enforces the *secular religion* within the confines of the *mitzvah*'s subject matter. Although Maimonides / Chavel indicated that only positive *mitzvoth* 55 and 215 were enforced by penalties, *mitzvah* 237, like *mitzvah* 236, appears to be enforced by penalties. If an ox gores a human to death, the ox is stoned, which is certainly a penalty to its owner. If the ox has been prone to goring people in the past, then not only is the ox stoned, but its owner is also put to death (v. 29), unless he can pay "for the redemption of his life" (v. 30). If the ox gores a slave, the owner gives the master thirty shekels of silver, "and the ox shall be stoned" (v. 32). — All these remedies for ox goring are subject to change through **progressive revelation** and progressive understanding. Progressive understanding of the **progressive revelation** of the Messianic covenant eliminates slavery. Progressive understanding may bring modification to these penalties also, such as changes to the penalty of executing the owner of the ox that gores habitually.

Positive *mitzvah* 238: This *mitzvah* is "The law of injuries caused by a pit". Because this is also damage to one person caused by the doings of someone else, this is also not ceremonial law, but is rather moral law that aims to support the natural rights that are acknowledged and supported by the global covenant. This *mitzvah* aims to enforce the *secular religion* under the jurisdiction of the Mosaic covenant. "When a man opens a pit, … and an ox or a donkey falls into it, the owner of the pit shall make restoration. He shall give money to the owner, and the dead beast shall be his." (Exodus 21:33-34; **ESV**). This clearly describes a *delict* caused by negligence, because the pit digger did not cover the pit. When people create hazards that threaten damage to other people, the hazard creator is liable. The pit digger is liable for damage to **secondary property**, meaning death or damage to the other man's ox or donkey. — As long as the remedy for such a *delict* is proportional, it deserves to stand as instruction to *jural societies*, regardless of whether such *jural societies* are functions of a *secular social compact* or a *religious social compact*.

Positive *mitzvah* 239: This *mitzvah* is "The law of theft". This is distinct from the kind of theft that was mentioned in the examination of *mitzvah* 194, not because there is some major difference between thieves and robbers, but because the perpetrator in 194 was contrite and sincerely wanted to repent. There's no mention of contrition or repentance of the perpetrator in the verses cited by this *mitzvah*. Exodus 21:16 pertains to man-stealing, kidnapping. Exodus 22:1-4 pertains to theft

more generally. Theft is banned by the eighth commandment. The ban is given teeth in the Scriptures cited in this *mitzvah* by citing penalties. The penalty for kidnapping is death. The penalty for stealing an ox, a sheep, or a donkey, where the animal is alive and in the thief's possession, is that the thief must pay double the value of the animal (v.4). If the animal is dead or not in the thief's possession, then the thief must pay five times the value of an ox or four times the value of a sheep. If the thief is not able to make restitution, then he is to be sold as a slave, presumably the proceeds going to the victim (v.3). If the thief burglarizes someone's abode, and dies as a result of the owner defending his property, then there is no culpability to the owner, unless it happens during the daylight, in which case there must be a judicial inquiry into the case. — This is not ceremonial law, but is rather moral law that is within the subject matter of Genesis 9:6. Whether the theft is kidnapping, burglary, robbery, or some more covert variety of theft, there is damage to **secondary property**, and perhaps to **primary property**. This *mitzvah* enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and therefore has its origins under the Noachian covenant. These verses also impose penalties, and they are therefore human law that might be valuable for modern *jural societies* to emulate, as long as they follow the proportionality.

Positive *mitzvoth* 240-241: Both *mitzvoth* 240 and 241 pertain to *delicts* that could sometimes be unintentional, although the lack of intentionality in neither case relieves the perpetrator of culpability. In Exodus 22:5, one man's livestock eats another man's field or vineyard. In Exodus 22:6, a fire set by one man consumes another man's field or his grain. The damage in both cases could arise out of negligence. But it's clear that negligence doesn't suffice as an excuse. In the verse 5 case, the man with the overgrazing livestock "shall make restitution from the best of his own field and in his own vineyard". In the verse 6 case, "he who started the fire shall make full restitution". — This is obviously moral law without any ceremonial overlay. It clearly involves damage to someone's **secondary property** that has been caused by someone else, meaning that it's certainly a *delict*. So both of these laws aim directly to support the natural rights acknowledged and supported by the global covenant. They both have their origin in the Noachian covenant, specifically, in Genesis 9:6. They both are accompanied by penalties, and are therefore moral law with a human-law overlay.

Positive *mitzvoth* 242-243: Both of these *mitzvoth* pertain to *bailments*.[1] This is a formal legal definition of a *bailment*:

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1 *Bailment* is defined at Porter, **Basic Jurisdictional Principles: A Memorandum of Law and Fact Regarding Natural Personhood**, "Nullification of Pregnancy Pre-

Positive *Mitzvoth* 232-248

> A delivery of goods or personal property, by one person to another in trust for the execution of a special object upon or in relation to such goods, beneficial to either the bailor or the bailee or both, and upon a contract, express or implied, to perform the trust and carry out such object, and thereupon either to redeliver the goods to the bailor or otherwise dispose of the same in conformity with the purpose of the trust.[1]

Mitzvah 242, Exodus 22:7-9, is "The law of the unpaid bailee". This passage describes a *bailment* in which A has *bailed* "money or goods" into the possession of neighbor B. The trust is breached by the loss of the *bailed* object(s). Verse 8 says, "the owner of the house shall come near to God to show whether or not he has put his hand to his neighbor's property". Verse 9 says, "the case of both parties shall come before God. The one whom God condemns shall pay double to his neighbor." It's probably reasonable to assume that "come before God" is a euphemism for taking their respective cases to the priests, or to whoever was a worthy and willing judge. The judge would decide whether the *bailee* was liable, and if so, the *bailee* would have to pay double (v.9). — *Mitzvah* 242 is an *ex contractu* case that could easily fall into the subject-matter jurisdiction of a *secular social compact*. It's certainly not ceremonial law, and it is certainly moral law that has been translated into human law. It could be instructive to modern *secular social compacts*. So it's probably wise for *secular social compacts* to emulate this Mosaic pattern to some extent. — *Mitzvah* 243, "The law of a paid bailee", may be an instance in which the rabbis are playing loose with the text. One seemingly significant difference between *mitzvoth* 242 and 243 is not that the *bailee* is unpaid in one and paid in the other, but in the nature of the *bailed* object. In Exodus 22:7, the nature of the *bailed* object is "money or goods". In Exodus 22:10, the nature of the *bailed* object is "a donkey or an ox or a sheep or any beast". In verse 7, the *bailed* object is presumably stolen, but the thief is not found. In verse 10, the animal "dies or is injured or is driven away, without anyone seeing it". Even though these seem to be two different situations, verse 9 makes it clear that the same line of reasoning applies to both cases. It applies to "breach of trust" in which any kind of *bailed* thing turns into "any kind of lost thing". In verses 7-9, the evidence is sufficient to cause the court to find in favor of the *bailor*, and the *bailee* must pay double. In verses 10-13, there doesn't appear to be such clear-cut evidence. If the *bailed* object was stolen from the *bailee*, then the *bailee* shall make

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Cognitive Contract versus Transformation of It into Cognitive Bailment Contract", "What's a Bailment?". — URL: http://BasicJurisdictionalPrinciples.net.

1 Smith, Len Young, and Roberson, G. Gale; **Smith and Roberson's Business Law, Uniform Commercial Code Third Edition**, 1971, West Publishing Co., St. Paul, Minnesota; Appendix E, p. [193].

restitution to the *bailor* (v.12). If the *bailed* object was "torn by beasts", eaten by predators, and the *bailee* can prove this, then the *bailee* "shall not make restitution" to the *bailor*. If there is insufficient evidence to prove what happened to the *bailed* object, then the *bailor* shall accept the "oath by the Lord" made by the *bailee* in the *bailment* contract, and the *bailee* "shall not make restitution" (v.11). — These *mitzvoth*, taken as a single law about *bailment*, should be helpful to every *secular ecclesiastical* court that must deal with such issues. The same is true of any genuine Christian *ecclesiastical* court.

Positive *mitzvah* 244: Maimonides / Chavel call this "The law of a borrower". This *mitzvah* arises out of Exodus 22:14-15 (Exodus 22:13-14 in the *Tanakh*). "If a man borrows anything of his neighbor, and it is injured or dies, the owner not being with it, he shall make full restitution" (vv.14-15a). If the owner of the borrowed object is in the presence of the borrower and the borrowed object when the object is damaged or destroyed, then the borrower owes nothing. If the owner is not in the presence of the borrowed object when the object is damaged or destroyed, then the borrower, who was by definition responsible for the welfare of the borrowed object, "shall make full restitution" (v.14) — This is common sense. It is certainly not ceremonial law. It's moral law that takes the form of human law that instructs both *secular* and *religious* courts in how to adjudicate damage that arises *ex contractu* from a lending contract. This treatment should be applicable in the same way under both the ***title-transfer theory*** of contracts and the ***property-interest model*** of contracts.

Positive *mitzvah* 245: The context for this *mitzvah* is the description of the Jubilee year in Leviticus 25:8-22. The focus of this, "The law of buying and selling", is in Leviticus 25:14: "And if you make a sale to your neighbor or buy from your neighbor, you shall not wrong one another." (**ESV**) Given the context, one could assume that this rule only applies to the year of Jubilee. By lifting it out of that context, Maimonides indicates that he believes that this is a general rule to be followed even when it's not a Jubilee year. Given the subject matter, this is generally a reliable assumption. — This is obviously not ceremonial law, so it defaults into being an expression of moral law. It might appear at first that this rule is subject to the *negative-duty clause* in Genesis 9:6. But it's possible to wrong people in a way that doesn't constitute Genesis 9:6 bloodshed, for example, by not being as courteous as one would be if one were not in a hurry. An infraction against courtesy is not necessarily damage *ex delicto* or damage *ex contractu*. Given that this *mitzvah* pertains to buying and selling, if there is damage related to this *mitzvah*, then it would be damage *ex contractu*. Still, damage *ex contractu* might not rise to the severity necessary for a *secular ecclesiastical* court to recognize. But it could be

recognizable in a *religious ecclesiastical* court. Either way, if one desires to stay out of court, it's always best to follow this moral law.

Positive *mitzvah* 246: This *mitzvah*, "The law of litigants", has already been addressed in the examination of *mitzvoth* 242-243. Between people litigating in a Mosaic *religious ecclesiastical* court, the first rule is "the oath of the LORD" that is fundamental to the contract.

Positive *mitzvah* 247: This *mitzvah* is framed as "Saving the life of the pursued". Reading the pertinent text, Deuteronomy 25:11-12, leads to the conclusion that this must be a rabbinical misnomer. Two men are fighting. To defend her husband, the wife of one of them grabs the enemy's testicles. The penalty to the woman for this is to have her hand cut off. — This is moral law because it's not ceremonial law. It's also human law because it clearly indicates a penalty to be exacted by humans. The men fighting may supply incentive for the woman to behave in this way, but if they were not fighting, and the woman grabbed the same man's testicles, she would probably be subjected to a similar penalty. Grabbing someone's testicles is a *delict*, no matter who does it, because at bare minimum, it threatens damage. But cutting her hand off is probably excessive, unless she's actually done permanent damage to her victim. If it is excessive, then this penalty can be taken as a function of the dormancy suffered by the global covenant's global prescription of human law.

Positive *mitzvah* 248: This last positive *mitzvah* is "The law of inheritance", Numbers 27:8-11. This passage indicates that under the Mosaic *religious social compact*, if a man dies without a male heir, his inheritance is to pass to his daughters; and if no daughters, to his brothers; and if no brothers, to his father's brothers; and if no father's brothers, then "to the nearest kinsman of his clan" (v. 11). — Some might consider this to be non-sacrificial ceremonial law. But it could also be considered to be moral law that is outside the subject matter of Genesis 9:6. Either way, it is a feature of the Mosaic *religious social compact* that is adiaphoristic or second-order doctrine and practice under any genuine Christian *religious social compact*. The undergirding moral principle continues, while this particular implementation of the principle might not.

(2) The Negative Commandments:

(a) Revamped Flowchart for Categorizing Laws: At this interim between the 248 positive *mitzvoth* and the 365 negative *mitzvoth*, it's probably prudent to pause long enough to assess the significance of what's been covered so far in this examination of the Mosaic covenant. First, the rabbinical scholars who categorized the laws of the Mosaic covenant into these 613 *mitzvoth* deserve some gratitude. The division of the laws into positive and negative has some value, although perhaps not as much as the

rabbis might think. If one were to be penalized for not doing a positive (must-do) *mitzvah*,[1] it might not differ much from one suffering the same penalty for doing a negative (must-not-do) *mitzvah*. The observance of the positive commandments might be motivated as much by fear of humans as by love of God, and observance of the negative commandments might be motivated more by love of one's native culture than by fear of God. At the introduction to the second volume of **The Commandments**, Rabbi Chavel says the following:

> The observance of the Positive Commandments … is rooted in the Love of God; of the Negative Commandments, in the Fear of Him.[2]

There may be some truth in this, but all humans are such idol factories that their motives in keeping the commandments are likely to be all over the map, and not so easily constrained by such a facile claim. — The rabbis' categorization of the 613 *mitzvoth* into "man's duties to God" and "man's duties to man" is also very helpful. So is their collecting the commandments into a total of twenty subcategories. They deserve the gratitude of all good and faithful Christian people for their labors. Even so, it should be obvious that these categories are not adequate for Christian purposes.

To satisfy the demands of the New Testament, it was necessary to establish the category of ceremonial laws to distinguish them from non-ceremonial laws, and to establish a distinction among ceremonial laws between sacrificial and non-sacrificial. To maintain consistency with the Edenic covenant, it was necessary to assume that every sacrificial and non-sacrificial ceremonial law has moral undergirdings. It was discovered that all the commandments that are sacrificial ceremonial are abrogated under the Messianic covenant, and therefore under every genuine Christian *religious social compact*. But some of the *mitzvoth* are partially sacrificial ceremonial laws and partially non-sacrificial. To the extent that they are non-sacrificial, these ceremonial laws are not abrogated, and neither are other non-sacrificial ceremonial laws. These non-sacrificial ceremonial laws are generally adiaphoristic or second-order doctrines and practices. Regardless of whether the ceremonial laws are abrogated or not, as they appeared in the Mosaic covenant, and as they continue to exist today, they are undergirded by moral laws that can never be abrogated. This may appear to be a mystery, how they can be abrogated while their moral undergirdings are not abrogated. But this is a mystery that's open to human understanding. Cracking

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1 It should be obvious from the tenth and final group of positive *mitzvoth* that there are more than just two positive *mitzvoth* that have penalties, contrary to the claim made by Rabbi Chavel.

2 Chavel, **The Commandments**, vol. 2, p. vi.

the mystery inevitably requires some understanding of the **purposive will** of God as something that necessarily influences His **preceptive will**.

Ceremonial laws are not the only laws in the *Torah* that are undergirded by the moral-law leg of the natural law. Reason demands that the moral law must undergird them all. Otherwise, how could it be legitimate to claim that God is their author? The WCF recognized three categories of law: ceremonial, moral, and judicial. As already argued, close reading of the New Testament demands that the ceremonial category must be subdivided into the sacrificial and non-sacrificial sub-categories. And reason demands that judicial law is simply another way of saying "human law". What the WCF calls "moral law" in the context of its Chapter 19, is simply Mosaic laws that don't seem to fit easily into the ceremonial or judicial categories. "Moral" in the WCF context is simply non-ceremonial law that isn't obviously enforced by human law. This leads to the conclusion that there is some equivocation existing between the way the WCF uses the expression, "moral law", and the way this booklet uses the same expression. In other words, this booklet is using one definition of "moral", and the WCF is using a different definition of "moral". The moral-law leg of the natural law undergirds (a)sacrificial ceremonial law that is enforced by Mosaic human law; (b)sacrificial ceremonial law that is not enforced by Mosaic human law; (c)non-sacrificial ceremonial law that is enforced by Mosaic human law; (d)non-sacrificial ceremonial law that is not enforced by Mosaic human law; (e)moral law that is enforced by human law (which the WCF simply categorizes as "judicial law"); and (f)moral law that is not enforced by human law (which the WCF simply categorizes as "divers instructions of moral duties"). The ten commandments, in their immediate presentation in Exodus 20, are moral law that is not enforced by human law. But human law appearing elsewhere in the *Torah* generally does enforce the same commandments. The difference between moral law as a necessary aspect of the Edenic covenant, as expounded in this booklet, and moral law as it appears in the ten commandments and as cited by the WCF, is that the former is a necessary postulate, while the latter is the product of more specific special revelation. The latter is **progressive revelation**. The former postulates the necessary existence of moral law while the latter actually describes it through special revelation. Essentially, all the moral laws that undergird every aspect of the Mosaic covenant were deposited as **progressive revelation** in the Mosaic covenant, and each demands progressive understanding. Because the Holy Bible is infallible, the Mosaic descriptions of moral law are infallible. But human understanding of them is not. Ultimately, progressive understanding of the moral law that is a necessary postulate in the Edenic covenant, and that is described in the Mosaic covenant, must be understood within the context of the **purposive will** of God.

In the age of super-secularized science, teleological arguments are excluded therefrom, starting with teleological arguments about the origins of species, planets, stars, the universe, the ultra-microscopic, and the super-macroscopic. Ultimately, that exclusion is a luxury that no human or group of humans can afford. So claims about purpose cannot ultimately be avoided. There is purpose built into every aspect of the universe, and into every aspect of life. God is sovereign over all of it, and His **decretive will** governs all of it. So God's **decretive will** could also be called His **purposive will**, because He was obviously purposive in decreeing it. This being the case, it's reasonable to further differentiate God's **purposive will** into two subcategories: (i)God's **purposive will** that is presently in the process of being satisfied, versus, (ii)God's **purposive will** that has already been satisfied. The New Jerusalem is an example of God's **purposive will** whose purpose has not yet been satisfied, whose purpose has not yet been fulfilled. God's **purposive will** is for all of His elect to move into the New Jerusalem. This purpose was first alluded to in the proto-evangelium in Genesis 3:15, and its fulfillment is described in Revelation 21. Examples of God's **purposive will** whose purpose has already been fulfilled can be seen in the Mosaic covenant's sacrificial ceremonial laws that have been abrogated. They have been abrogated because their fundamental purposes have been fulfilled. But what about the moral undergirdings of these abrogated laws? Have they also been abrogated? Have aspects of the moral-law leg of the natural law been abrogated?

The moral-law leg of the natural law was postulated in this booklet's exposition of the Edenic covenant to explain how the people in the garden could have all the phenomenal attributes that they had while they inhabited the garden of Eden. They ***knew what they needed to know when they needed to know it, so that they did what they needed to do when they needed to do it, so that they never violated the moral-law leg of the natural law***; they never missed the mark; they never sinned; and they never died as long as they were in that environment. They lived this way as long as they were satisfied with living in this subset of the natural law that was defined by the garden of Eden. When they became dissatisfied with that environment, they were booted out of the garden and were exposed to the full range of the natural law, for which they were not prepared, and for which they would need to develop the proper mental equipment. It was God's **purposive will** from the beginning that they would develop that mental equipment. The development of such equipment would enable the elect eventually to inhabit the New Jerusalem. At this fulfillment of God's **purposive will** for the human race, God's elect will once again ***know what they need to know when they need to know it, so that they do what they need to do when they need to do it, so that they never violate the moral-law leg of the natural law***. The moral-law leg of the natural law doesn't change between the garden of Eden and the New Jerusalem. It stays precisely the

same throughout, the same way God is the same yesterday, today, and forever. But God's **preceptive will** does change in this long trek from the garden of Eden to the New Jerusalem. One of the first evidences of this is in the Noachian covenant, in which God prescribed and mandated global human law of the type described above, at the Genesis 9:6 encampment. There will be no need for human law in the New Jerusalem, because people will know what to do, and what not to do, and will do it gladly without any application of force from any other human. This means that at that time of the New Jerusalem, God's **purposive will** with regard to human law will be fulfilled, and the ***law-enforcement epoch*** will be over. So God's prescription of global human law will be abrogated at this entry into the New Jerusalem. Even though this is true, the moral undergirdings of God's prescription of global human law will not be abrogated, has never been abrogated, and never will be abrogated. This situation shows that the abrogation of God's **preceptive will**, when the purpose for it has been fulfilled, is a motif that could be characteristic of much of God's **purposive will** between the fall and the New Jerusalem. God decrees a certain set of precepts for His people to live by, for the sake of steering them in the direction of the New Jerusalem, and when those laws and precepts have fulfilled their purpose, He modifies the covenant of which they are a part, and abrogates some, amends some, and adds some, thereby creating a new covenant, a new covenant for manifesting His **purposive will** for a new era.

It's reasonable to assume that perhaps this same pattern, this same motif, exists in regard to the Mosaic covenant's sacrificial ceremonial law that is clearly abrogated by the Messianic covenant. Of course it must. It's also reasonable to assume that the same motif applies to non-sacrificial ceremonial laws, as well as to moral law that is descriptive of the undergirding, unchanging moral law. The Messianic covenant may have better descriptions in some respects. This explains how some non-sacrificial ceremonial law and some descriptions of moral law may become adiaphoristic, second-order doctrines under the Messianic covenant. They both have undergirdings of never-changing moral law, even though **progressive revelation** might supplant some Mosaic descriptions of moral law, some practices of non-sacrificial ceremonial law, and some exercises of human law.

Between now and the New Jerusalem, all attempts at understanding the Bible's description of moral law, prescription of ceremonial law, and prescription of human law, will miss the mark to some extent, because humans aren't perfect. Because all humans miss the mark, human understanding of the laws of the biblical covenants must submit itself to the Bible's **progressive revelation**, and must assiduously seek progressive understanding of such revelation. Overall, perfection is not an option

until Judgment Day, but relinquishing the search for it between now and then is the kiss of death.

One more extremely important thing to realize at this interim is that examining these 248 positive *mitzvoth* has facilitated discovery of another category of law besides sacrificial ceremonial, non-sacrificial ceremonial, human law, and descriptive moral law. This is evident by recalling that positive *mitzvoth* 187-191 each pertain to the Israelite perpetration of genocide. What moral principle undergirds these laws? How can genocide be the **preceptive will** of a good God? More thorough answers to these questions will be offered in the section below that's specifically about genocide. Here, it's necessary to accept that this really is a distinct and different category of law, and to offer some preliminary explanation for its existence. To get the preliminary explanation, it's necessary to remember that the two highest commandments of the Messianic covenant are, first, to love God above all, and second, as an adjunct to the first, to love other people. That the second commandment is dependent upon the first is evident in the fact that people are created in God's image, and bear the *imago Dei*. It's necessary to love God before one can love God's image. As expressed in Genesis 9:6, it's necessary to love the image of God in other people as a precursor to being able to satisfy the *negative-duty clause* and the *positive-duty clause* in that verse. This establishes a set of priorities that can be seen in biblical history: (i)Love God as a precursor to loving people. (ii)Love people as a precursor to being obedient to the *negative-duty clause* and the *positive-duty clause*. But knowledge of the ramifications of Genesis 9:6 went dormant at the beginning of the ***many-nations epoch***. Love of God went dormant. Love of people went even more dormant. So the local covenants in the pre-Christian era tended to have laws that gave little or no consideration to the global existence of natural rights. The priority then was to build up the love of God in people. Love of people as a global phenomenon was practically non-existent. There was some recognition of natural rights by the parties to the Mosaic covenant, at least as such rights pertained to one another. But the recognition of the global existence of natural rights was practically completely dormant. As is proven below, **progressive revelation** in the Messianic covenant put an official end to this dormancy. But it is still taking millennia for progressive understanding to catch up with the Messianic covenant's **progressive revelation**. This dormancy of the human laws inherent in the global covenant, and the radical necessity of fostering the love of God in the covenant community as a precursor to fostering the love of God on a global basis, must be at least part of God's motivation in God's **purposive will** in mandating the genocide. Those seven nations were inherently a threat against the formation and maintenance of a God-centered covenant community. That **purposive will** has been satisfied. The necessity of it then will be covered in greater depth in the section below on the

genocide. The Messianic covenant's official abrogation of the dormancy means that not only are sacrificial ceremonial laws abrogated, but so are laws that are so harsh and severe that they clearly violate the global proportionality mandated in Genesis 9:6. This is the abrogation of descriptive moral law, the abrogation being necessary because of the abrogation of the dormancy. — This dormancy syndrome was not mentioned in the flowchart for evaluating *mitzvoth* that appears above. This means that the flowchart needs to be modified to include this dormancy syndrome.

The upgraded flowchart looks like this:

1. Is this commandment ceremonial law? If "yes", then go to 2. If "no", then go to 3.
2. Is this ceremonial law sacrificial? If "yes", then the conclusion is that this law has been abrogated, and should not be practiced by genuine Christians. If "no", then the conclusion is that this law is adiaphoristic or a second–order doctrine and/or practice.[1]
3. The preliminary conclusion is that this is moral law (in the descriptive sense) rather than ceremonial law. To know more specifically what it is, it's necessary to answer the following question: Does this law aim directly to support the natural rights acknowledged and supported by the global covenant? If "yes", then go to 4. If "no", then go to 5.
4. The more specific preliminary conclusion is that this law enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and therefore has its origins in the Noachian covenant. Does the Mosaic covenant enforce this law as human law? If "yes", then go to 6. If "no", then go to 7.
5. The further conclusion is that this moral law (in the descriptive sense) should not be replicated in a *secular social compact*. To have a better understanding of it, it's necessary to answer the following question: Does this commandment inherently call for the perpetration of one or more *delicts* as part of the Genesis 9:6 dormancy? If "yes", then go to 8. If "no", then the conclusion is that it might or might not be

1 Under these circumstances, if the law is implemented as human law under the Mosaic covenant, then the penalty may or may not be useful in the administration of a genuine Christian *religious social compact*.

prudent to replicate it in a genuine Christian *religious social compact*.

6. The conclusion is that this law enforces the *secular religion* and has its origins under the Noachian covenant, and because the Mosaic covenant provides a penalty for the law's enforcement, it must be asked: Is the penalty so harsh that it defies the life-for-life proportionality implicit in Genesis 9:6? If "yes", then even though the law may be emulated by modern *jural societies*, the penalty should not be emulated, because it's a function of the Genesis 9:6 dormancy. If "no", then both the law and the penalty may be emulated by modern *jural societies* and *ecclesiastical societies* (in the narrow sense).
7. The conclusion is that even though this law appears to enforce the *secular religion*, no real provision for such enforcement was made under the Mosaic covenant. So modern *secular social compacts* and the *jural* and *ecclesiastical compacts* of *religious social compacts* may or may not need to replicate the law, and to devise their own methods of enforcement.
8. The conclusion is that this moral law is a function of the Genesis 9:6 dormancy, and because it is in direct opposition to Genesis 9:6, it is abrogated for both *secular* and *religious social compacts*.

This enhanced general flowchart for evaluating Mosaic *mitzvoth* should be used instead of the version of the flowchart provided before examination of the positive *mitzvoth*.

(b) Negative *Mitzvoth* 1-59 (Man's Duties to God) – "Idolatry and Related Subjects": Under the Mosaic *religious social compact*, idolatry is the most heinous of all crimes. But idolatry cannot rightly be understood to violate Genesis 9:6 unless it directly entails the violation of the *secular religion*. That combination of circumstances makes this set of negative *mitzvoth* especially pertinent to any genuine Christian who is also a believer in the natural-rights polity.

1) Not believing in any other god – Ex 20:3
2) Not to make images for the purpose of worship – Ex 20:4
3) Not to make an idol (even for others) to worship – Lev 19:4
4) Not to make figures of human beings – Ex 20:23
5) Not to bow down to an idol – Ex 20:5

Sub-Div (b) Negative *Mitzvoth* 1-59

6) Not to worship idols – Ex 20:5
7) Not to hand over children to Molech – Lev 18:21
8) Not to practice sorcery of the *ob*[1] – Lev 19:31
9) Not to practice sorcery of the *yidde'oni*[2] – Lev 19:31
10) Not to study idolatrous practices – Lev 19:4
11) Not to erect a pillar which people will assemble to honor – Deut 16:22
12) Not to make figured stones on which to prostrate ourselves – Lev 26:1
13) Not to plant trees in the Sanctuary – Deut 16:21
14) Not to swear by an idol – Ex 23:13
15) Not to summon people to idolatry – Ex 23:13
16) Not to try to persuade an Israelite to worship idols – Deut 13:12
17) Not to love someone who seeks to mislead you to idols – Deut 13:9
18) Not to relax one's aversion to the misleader – Deut 13:9
19) Not to save the life of a misleader – Deut 13:9
20) Not to plead for the misleader – Deut 13:9
21) Not to oppress evidence unfavorable to the misleader – Deut 13:9
22) Not benefit from ornaments which have adorned an idol – Deut 7:25
23) Not rebuilding an apostate city – Deut 13:16
24) Not deriving benefit from property of an apostate city – Deut 13:17

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1 An *ob* is one "who, after burning a certain incense and performing a certain ritual, pretends that he hears a voice speaking from under his armpit, and answering his questions". This practice is "a form of idolatry". — Chavel, **The Commandments,** vol.2, p. 9. — "[S]orcery of the ov" is necromancy, according to **Vine's Expository Dictionary of Biblical Words**, pp. 241-242.

2 "The *yidde'oni* takes the bone of a bird called *yido'a*, puts it in his mouth, burns incense, recites certain prayers, and performs a certain ritual, until he is in a condition akin to fainting, and falls into a trance, in which he predicts the future." This is also a form of idolatry, according to Maimonides / Chavel. — Chavel, **The Commandments,** vol.2, p. 10.

25) Not increasing wealth from anything connected with idolatry – Deut 7:26
26) Not prophesying in the name of an idol – Deut 18:20
27) Not prophesying falsely – Deut 18:20
28) Not to listen to the prophecy made in the name of an idol – Deut 13:3
29) Not fearing or refraining from killing a false prophet – Deut 18:22
30) Not adopting the habits and customs of unbelievers – Lev 20:23
31) Not practicing divination – Deut 18:10
32) Not regulating one's conduct by the stars – Deut 18:10; Lev 19:26
33) Not practicing the art of the soothsayer – Deut 18:10; Lev 19:26
34) Not practicing sorcery – Deut 18:10
35) Not practicing the art of the charmer – Deut 18:10-11
36) Not consulting a necromancer who uses the *ob*[1] – Deut 18:11
37) Not consulting a sorcerer who uses the *yido'a*[2] – Deut 18:10-11
38) Not to seek information from the dead – Deut 18:10-11
39) Women not to wear men's clothes or adornments – Deut 22:5
40) Men not wearing women's clothes or adornments – Deut 22:5
41) Not imprinting any marks on our bodies – Lev 19:28
42) Not wearing a garment of wool and linen – Deut 22:11
43) Not shaving the temples of the head – Lev 19:27
44) Not shaving the beard – Lev 19:27
45) Not making cuttings in our flesh – Deut 14:1; Lev 19:28
46) Not settling in the land of Egypt – Deut 17:16
47) Not accepting opinions contrary to those taught in Torah – Num 15:39

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1 See above footnote on *ob*.

2 See above footnote on *yidde'oni*.

Negative *Mitzvoth* 1-59

48) Not to make a covenant with the Seven Nations of Canaan – Deut 7:2; Ex 23:32-33
49) Not to spare the life of the Seven Nations – Deut 20:16
50) Not to show mercy to idolators – Deut 7:2
51) Not to allow idolators to dwell in our land – Ex 23:33
52) Not to intermarry with a heretic – Deut 7:3
53) Not to intermarry with a male Ammonite or Moabite – Deut 23:3
54) Not to exclude the descendants of Esau – Deut 23:8-9
55) Not to exclude the descendants of Egyptians – Deut 23:8-9
56) Not offering peace to Ammon and Moab – Deut 23:7
57) Not destroying fruit trees during a siege – Deut 20:19
58) Not fearing heretics in time of war – Deut 7:21;3:22
59) Not forgetting what Amalek did to us – Deut 25:19

Negative *mitzvoth* 1-6 pertain specifically to the ban on idol worship. *Mitzvah* 1 is, "Not believing in any other god", Exodus 20:3. The *Tanakh*'s versification of Exodus 20 is different from Protestant versification. In the Protestant version of the ten commandments, the first commandment is, "'You shall have no other gods before me.'" (Exodus 20:3; **ESV**) In the *Tanakh*, this sentence is part of verse 2. In the Jewish version of the ten commandments, the first commandment is Exodus 20:2a (Exodus 20:2 in the Protestant Bible), and the second commandment includes Exodus 20:2b-5 (Exodus 20:3-6 in the Protestant Bible). Because *mitzvah* 1 is precisely the same subject matter as Exodus 20:3 (Exodus 20:2b in the *Tanakh*), there may be some mystery about why Chavel / Maimonides cited Exodus 20:3 in *mitzvah* 1. It's probably because in their citations, they generally just point in the general vicinity of what they mean to cite. In this *mitzvah*, they point to the second commandment in the Jewish decalogue, which includes Exodus 20:2b-5 in the *Tanakh*, which they cite as verse three, which happens to be the first commandment in the Protestant decalogue and verse 3 in the Protestant Bible. The crux of the Jewish second commandment is the same as the Protestant first commandment: "Thou shalt have no other gods before Me." The word "before" can be taken to mean "besides". So the God of Abraham, Isaac, Jacob, and Moses is not only the only true God. He is the only God, and any pretense to the contrary must be avoided. — This is obviously not ceremonial law. So it defaults to being moral law (in the descriptive sense). But it doesn't aim directly to support the natural rights acknowledged and supported by the global covenant. Because this is so, this law should not be replicated in any *secular social compact*. There is no explicit indication

that this commandment inherently calls for the commitment of any *delict*. So every genuinely Christian *religious social compact* should absolutely replicate this *mitzvah* within its jurisdiction. Idol worship is still the most heinous of all crimes in genuine Christianity. But it's probably imprudent to punish it with anything worse that exile of the perpetrator, as was done by the Apostle Paul in his treatment of the unrepentant church member in 1Corinthians 5:1-2.

Negative *mitzvoth* 2-6: These *mitzvoth* simply expand and expound the ban on idolatry. This ban includes a ban on making images for the sake of worshipping them (*mitzvah* 2), a ban on making idols even for others (*mitzvah* 3), a ban on making human figurines and statues (*mitzvah* 4), a ban on bowing down to them (*mitzvah* 5), and a ban on worshipping them (*mitzvah* 6). The commentary regarding negative *mitzvah* 1 also generally applies to each of these.

Negative *mitzvah* 7: This *mitzvah* is "Not to hand over children to Molech", based on Leviticus 18:21. Molech was the Canaanite god most closely associated with child sacrifice. — This *mitzvah* adds a new feature to idol worship, specifically, the sacrifice of children. Because murder is a *delict*, so is child sacrifice. This begs the question: Should this *mitzvah* be treated primarily as idolatry or primarily as a *delict*? — This is descriptive moral law and not ceremonial law. This *mitzvah* does not aim specifically at supporting natural rights, but at eliminating this particular form of idolatry; so it should not be treated as aimed directly at confirming Genesis 9:6. The confirmation of Genesis 9:6 is coincidental and not primary. Under any lawful *secular social compact*, people can worship any god they want, including Molech. But they cannot perpetrate *delicts* against their children. Under a lawful *secular social compact*, spanking a child might be considered a *delict*, and that's one of the reasons genuine Christians should raise their children in genuinely Christian *religious social compacts*, where *secular social compacts* do not have original jurisdiction, and where they cannot claim jurisdiction except in circumstances in which serious and unlawful damage is being caused that the *religious social compact*'s *jural society* refuses or neglects to address. Spanking would not constitute such an extraordinary circumstance. Child sacrifice would. Under the jurisdiction of a lawful *secular social compact*, people get to worship Molech if they want. But child sacrifice demands that the *secular social compact* intervene. So does female genital mutilation (FGM), which causes permanent damage to the female body. But male circumcision does not demand this kind of intervention, because it doesn't cause permanent damage to the male body. Any kind of radical body modification to a child that isn't life enhancing demands intervention by the *secular social compact* to override the bad

decisions of the *religious social compact* or the parents / guardians.[1] So this *mitzvah* should not be replicated in a *secular social compact*, because the *secular social compact* already has a law against *delicts*, including child murder, and because people get to worship whatever they want under the *secular religion*. The prohibition in this *mitzvah* has nothing to do with Genesis 9:6 dormancy. It is absolutely imperative that genuine Christian *religious social compacts* replicate this repudiation of child abuse under the guise of religion.

Negative *mitzvoth* 8-9: Both of these two *mitzvoth* cite the same verse, Leviticus 19:31: "'Do not turn to mediums or spiritists; do not seek them out to be defiled by them: I am the LORD your God.'" (**NASB**) The Hebrew translated to "medium" is *ob* (Strong's #178). In this context, it refers to necromancy, "The practice of supposedly communicating with the spirits of the dead in order to predict the future."[2] The Hebrew translated to "spiritists" is *yiddeoni* (Strong's #3049). It refers to what is known in the European tradition as someone who has a "familiar spirit". Familiar spirits were "supernatural" entities conjured by sorcerers and witches, largely for the sake of predicting the future. These two *mitzvoth* clearly ban the practices of these two kinds of sorcery. In order to put these prohibitions into a modern context, it's critical to understand what sorcery is. — In his scientific research, Isaac Newton spent time studying the works of medieval alchemists. Alchemists are considered by some to have been medieval proto-scientists, and by others to have been medieval sorcerers. Either way, they were people dedicated to discovering knowledge about how things work. Some were malevolent and some were benevolent, but most were some combination of the two. They were all dedicated to discovering uncommon knowledge, and using it for whatever purposes they deemed suitable. This is essentially the same core motivation of all modern scientists. The difference between modern science and ancient sorcery is that science is far more systematic. Scientists are likely to be just as flawed as ancient sorcerers. But the relatively systematic nature of modern science acts as a governor on their potential for malevolence. Given that science has produced the capacity to destroy the planet in nuclear war, to extinct the human race through bio-weapons, and to terminate all higher forms of life by

1 At this writing, there is any number of people on the national and global stage that are promoting violation of children under the guise of religious tolerance. There should be no tolerance for violating children under the guise of any "religion", because such violation is *delictual* and violates the *secular religion*.

2 **American Heritage Dictionary**. — URL: https://www.thefreedictionary.com/necromancy, retrieved 5 December 2018.

"terraforming" the planet through "stratospheric aerosol injection" ("chemtrailing"),[1] it's reasonable that one would harbor serious doubts about the capacity of such systematization to govern malevolence. In fact, there's a lack of systematization that arises out of a lack of core principles around which to systematize science. If this is a problem now, at a time when humanity has supposedly reached this advanced stage of technological development, the lack of systematization was exponentially greater in the era when the Mosaic covenant was revealed. The core principles of Christianity, as expounded by reliable Reformed systematic theologians, supply the necessary core principles around which to systematize modern science. But nothing even remotely like these core principles existed in the days of Moses. In fact, all of his people had been raised as slaves in a pagan country, and had practically no exposure to such core principles. The whole purpose of the Mosaic covenant was to teach these people, and their subsequent generations, these core principles. But because of this severe lack of systematic thinking based on reliable core principles, it was necessary and good to prohibit "sorcery of the *ob*", "sorcery of the *yidde'oni*", and any other kind of sorcery. But the core problem in these two *mitzvoth* is not sorcery. The core problem is the lack of core principles. The core principle in both the Mosaic covenant and genuine Christianity is that God exists, is alive, and demands that all people worship Him with all their hearts and souls and minds and strength. In the days of the Mosaic covenant, there was no way to reconcile this core principle with the uncommon knowledge, at best, involved in these two kinds of sorcery. They were therefore inherently idolatrous and therefore justly prohibited. — This is clearly not ceremonial law, and is therefore by default descriptive moral law. This clearly does not support the human law prescribed by Genesis 9:6, because under that global prescription of human law, people are allowed to practice whatever they want so long as they don't perpetrate obvious damage to other people. These two prohibitions should therefore NOT be replicated in *secular social compacts*. These *mitzvoth*, by themselves, do not call for the perpetration of *delicts*. They therefore do not call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. They may be punished in ways that are not mentioned in Leviticus 19:31, but those punishments are *ex contractu* under the Mosaic *religious social compact*, and are therefore outside the *prima facie* jurisdiction of any *secular social compact*. So, depending upon how participants in a genuine Christian *religious social compact* choose to structure their

1 Mike Adams, "Terraforming Has Begun: 'Global Dimming' Plot to Exterminate Humanity Revealed", **Natural News**, December 5, 2018. — URL: https://www.infowars.com/terraforming-has-begun-global-dimming-plot-to-exterminate-humanity-revealed/, retrieved 5 December 2018.

contractual relations, it might or might not be prudent for them to replicate these *mitzvoth* within their *religious social compact*.

Negative *mitzvah* 10: Maimonides interprets Leviticus 19:4 into this *mitzvah*, "Not to study idolatrous practices". Given that the core principle of the local covenants is that God is alive, and he demands that all people love Him, idolatry is the core negation of that principle, and the ultimate crime within the local covenants. That Maimonides interpreted Leviticus 19:4 to be a ban on studying idolatrous practices, when a face-value reading of that verse leads to the conclusion that the verse is a ban on making idols, can be overlooked as another bit of rabbinical **eisegesis**. Nevertheless, the ban on studying idolatrous practices triggers questions about whether it's valid for Christians to study idolatrous practices. Genuine Christian theologians may find it necessary to study idolatrous practices for the sake of refuting them. — This is descriptive moral law and not ceremonial law. It does not arise out of the subject-matter jurisdiction of the human law prescribed by the global covenant, because it's not inherently *delictual*. So *secular social compacts* and *jural societies* should never include this prohibition within their subject-matter jurisdictions. Under the immediate jurisdiction of *secular social compacts*, people can study idolatry as much as they want. This *mitzvah* also does not call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. So genuine Christian *religious social compacts* might allow its apologists to study idolatry, or they might not, according to whatever they think is prudent.

Negative *mitzvah* 11: This *mitzvah* prohibits the erection of a pillar. The seven nations that the Israelites were instructed to displace had religious practices that encouraged the erection of pillars, probably as phallic symbols and as part of their fertility cults. Setting up such pillars was prohibited in Deuteronomy 16:22. — Because this is not a positive *mitzvah* instructing Israelites to practice a given ceremony, but is rather a negative commandment to avoid a pagan cultic practice, this is not ceremonial law, but descriptive moral law. This *mitzvah* does not aim directly to support natural rights. So this *mitzvah* should certainly not be replicated in a *secular social compact*. If people want to erect pillars on their private property, they cannot be stopped based on the *secular religion*. This commandment certainly does not call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. Because genuine Christianity is not a fertility cult, it should probably avoid erecting pillars and other phallic symbols as a general rule, with all due respect to the Washington Monument.

Negative *mitzvoth* 12-14: *Mitzvah* 12 is from Leviticus 26:1, "you shall not set up a figured stone in your land to bow down to it" (**ESV**). The crux of this *mitzvah* has already been covered by *mitzvoth* 1-6. — *Mitzvah* 13 is from Deuteronomy

16:21. That verse bans the planting of "any tree as an Asherah beside the altar of the Lord" (**ESV**). Asherah was a pagan goddess. In Canaan, trees and wooden poles were symbolic of this goddess. To avoid conflation of the local religion with the Mosaic religion, these symbols were banned from association with the Hebrew sanctuary. Because this *mitzvah* is all about the avoidance of idolatry, the crux of it has already been covered in what has been said about *mitzvoth* 1-6. — *Mitzvah* 14 arises out of Exodus 23:13, which bans any mention of other gods. If one is banned from mentioning other gods, then one is *ipso facto* banned from swearing by them. This *mitzvah* "Not to swear by an idol" is therefore also covered by what's been said about *mitzvoth* 1-6.

Negative *mitzvoth* 15-16: These *mitzvoth* are against summoning people to idolatry (15) and persuading people to idolatry (16). Both of these have been addressed at the commentary on negative *mitzvoth* 1-6.

Negative *mitzvoth* 17-21: These *mitzvoth* are about treatment of anyone who misleads people into idol worship. They all derive from Deuteronomy 13:6-11. The reasons for these *mitzvoth* have already been covered in the commentary on *mitzvoth* 1-6. These *mitzvoth* include not loving someone who misleads into idolatry (17); not relaxing one's aversion to such a misleader (18); not saving the life of such a misleader (19); not pleading for him (20); and not to suppress evidence unfavorable to him (21). Each of these is perfectly understandable and reasonable, even within the context of a genuine Christian *religious social compact*. Although none of these *mitzvoth* mention it, the penalty for such a misleader is death by stoning (v. 10). — This is descriptive moral law and not ceremonial law. It does not support the natural rights that arise out of the global covenant. So neither the stoning nor any of these *mitzvoth* should be replicated in a lawful *secular social compact*. Idolatry is certainly the most heinous crime in genuine Christian *religious social compacts*, but a big question arises about whether the death penalty is a lawful remedy. From the perspective of the global covenant, this penalty would be treated as a *delict*. Stoning might be a lawful *ex contractu* remedy from the perspective of a Bible-based *religious social compact*, but any lawful *secular social compact* would see the stoning as a *delict*. The Apostle Paul offers a remedy to this clash in jurisdictions. The strongest penalty Paul ever recommends for violation of Christian standards of morality is to exile the offender. That's the genuine Christian *religious social compact*'s lawful *ex contractu* remedy. This is evidence that stoning an Israelite for the crime of misleading Israelites into idolatry is excessive under the Messianic covenant, even though it may have been necessary and proper under the Genesis 9:6 dormancy. Because stoning for this crime is in direct opposition to Genesis 9:6, this penalty is abrogated for both *secular* and *religious social compacts*.

Negative *Mitzvoth* 1-59

Negative *mitzvah* 22: This *mitzvah* bans benefitting from ornaments that have adorned idols (Deuteronomy 7:25): "'You shall not covet the silver or the gold that is on them or take it for yourselves, lest you be ensnared by it'" (**ESV**). — This is clearly not ceremonial law, and is clearly descriptive moral law. It doesn't support the natural rights acknowledged by the global covenant. So this law should never be enforced in a *secular social compact*. Within the immediate context of this verse, no penalty is given; so it cannot be right to claim that this *mitzvah* calls for *delicts* as part of the Genesis 9:6 dormancy. So it might or might not be prudent for a genuine Christian *religious social compact* to replicate this *mitzvah*.

Negative *mitzvoth* 23-24: These two *mitzvoth* are adjuncts to positive *mitzvah* 186, "The Law of the Apostate City" (Deuteronomy 13). The law of the apostate city required the complete destruction of the apostate city, along with its inhabitants, livestock, goods, and everything. Negative *mitzvah* 23 indicates that the city shall not be rebuilt (v. 16). Negative *mitzvah* 24 indicates that one should not derive "benefit from property of an apostate city", in accord with verse 17: "None of the devoted things shall stick to your hand" (**ESV**). — Both *mitzvoth* are descriptive moral law, and neither support the natural rights of Genesis 9:6. Like positive *mitzvah* 186, negative *mitzvoth* 23 and 24 would not be lawful under a lawful *secular social compact*. In fact, the complete destruction of an apostate city is clearly a function of the Genesis 9:6 dormancy. Because these two negative *mitzvoth* can only exist within the context of the "Law of the Apostate City", they are as unlawful within the *secular* context as positive *mitzvah* 186. Because the Messianic covenant officially abrogated descriptive moral law that violates the global proportionality mandated in Genesis 9:6, through the abrogation of the dormancy, it's not really lawful for a *religious social compact* to execute this kind of punishment against a city that turns apostate. Strictly under a *religious social compact*, it may be lawful as an *ex contractu* remedy, but such a remedy conflicts with the lawful *secular social compact*. It should therefore be avoided.

Negative *mitzvah* 25: While negative *mitzvah* 22 banned "benefit from ornaments which have adorned an idol", this *mitzvah* bans "increasing wealth from anything connected with idolatry". The commentary on *mitzvah* 22 is applicable here.

Negative *mitzvoth* 26-29: These *mitzvoth* pertain to treatment of false prophets and prophets who prophesy in the name of an idol. They are, "Not prophesying in the name of an idol" (26); "Not prophesying falsely" (27); "Not to listen to the prophecy made in the name of an idol" (28); and "Not fearing or refraining from killing a false prophet" (29). *Mitzvoth* 26, 27, and 29 arise out of Deuteronomy 18. *Mitzvah* 28 arises out of Deuteronomy 13. *Mitzvoth* 26-27 are certainly implicit if

not explicit in Deuteronomy 18:20-22. People of the Mosaic *religious social compact* should not prophesy in the name of an idol or prophesy falsely. Not being afraid of a false prophet is certainly explicit in Deuteronomy 18:22. But killing the false prophet, as indicated in *mitzvah* 29, is not so explicitly indicated in this passage in Deuteronomy 18. Verse 20 says that that prophet shall die, which is probably a mandate to kill him. But Deuteronomy 13 is more explicit. Deuteronomy 13:5 says explicitly, "that prophet or that dreamer of dreams shall be put to death, because he has taught rebellion against the Lord your God". Like Deuteronomy 18:20-22, Deuteronomy 13:1-5 is about how the Israelite community should treat false prophets. In that passage in chapter 13, not listening to a prophecy made in the name of an idol (*mitzvah* 28) is implicit if not explicit. — None of these four *mitzvoth* is ceremonial law; so each is therefore descriptive moral law. None of these laws aim directly to support the natural rights acknowledged and supported by the global covenant. So none of these should be replicated in a *secular social compact*. Do these *mitzvoth* call for the perpetration of one or more *delicts* as part of the Genesis 9:6 dormancy? Part of one certainly does. "Not … refraining from killing a false prophet" (29) is a call for perpetrating a *delict*, murder, from the perspective of a *secular social compact*. False prophecy is not a *delict*, unless it can be proven that there was *secularly* recognizable damage with the proximate cause of intentional purveyance of false information. If that can't be proven, then the false prophecy falls, from a *secular* perspective, more into the category of a gambler on a losing streak. But from the perspective of a genuine Christian *religious social compact*, for some party to the *compact* to (i)prophesy in the name of an idol; (ii)prophesy falsely; (iii)listen to prophecy made in the name of an idol; or (iv)fear, honor, or respect a false prophet, are all bad things. The *religious social compact* needs to curtail these things, by whatever means is necessary and reasonable to the parties to the *compact*. If a stubborn false prophet arises as a party to the *religious social compact*, the penalty of killing him is probably an invitation to trouble with the *secular social compact*. So the *religious social compact* would be better off simply exiling (cutting off) the false prophet.

Negative *mitzvah* 30: This *mitzvah* is "Not adopting the habits and customs of unbelievers". It arises out of Leviticus 20. Leviticus 20:1-21 covers the ban on child sacrifice as practiced by the Canaanites in their worship of Molech (negative *mitzvah* 7); the ban on cursing father and mother (v. 9); and the ban on various kinds of sexual immorality (vv. 10-21) which were common among the Canaanites. Then verse 23 states, "'And you shall not walk in the customs of the nation that I am driving out before you, for they did all these things, and therefore I detested them.'" This is God speaking through Moses. — This is descriptive moral law, and not ceremonial law. This ban on adopting the habits and customs of the surrounding

unbelievers does not aim directly to support the natural rights acknowledged and supported by the global covenant. This is absolutely true to the extent that these customs and habits were consensual and non-*delictual*. But to the extent that they were *delictual*, as child sacrifice certainly was (*mitzvah* 7), the prohibition in *mitzvah* 30 certainly supported natural rights. But that support was coincidental, like that described at *mitzvah* 7, and not aimed directly at supporting natural rights. So no *secular social compact* should ever replicate this *mitzvah*. Immediately under such a *secular* jurisdiction, people get to adopt whatever customs and habits they want, as long as doing so doesn't damage other people. But this ban in *mitzvah* 30 does not perpetrate *delicts* as part of the Genesis 9:6 dormancy. So it might be prudent for any genuine Christian *religious social compact* to replicate this *mitzvah* within its jurisdiction.

Negative *mitzvoth* 31-38: Each of these *mitzvoth* is grounded in Deuteronomy 18. Two, 32 and 33, are also grounded in Leviticus 19. Deuteronomy 18:9-14 addresses the "abominable practices" of the nations of Canaan. The practice of one burning "his son or daughter as an offering" (v. 10) has already been addressed in negative *mitzvah* 7. On one hand, each of these practices – divination (31), astrology (32), soothsaying (33), sorcery (34), the art of the incantation (35), necromancy of the *ob* (36), sorcery of the *yido'a* (37), and seeking information from the dead (38) – is an aspect of occultism that has been an aspect of extra-biblical cultures for millennia, and none of them is the immediate source of *secularly* recognizable damage. They therefore exist outside the subject-matter jurisdiction of the *secular religion*. On the other hand, each of these practices is a search for knowledge, and the exercise of supposedly esoteric knowledge, that is reminiscent of what has been said above, in the commentary on *mitzvoth* 8-9, about the difference between science and the occult. Etymologically, occult refers to knowledge that is hidden or secret, and to practices that presume to employ such knowledge. This alleged knowledge exists in contrast to readily provable facts and knowledge of the measurable. It also exists in contrast to genuine knowledge about God, which knowledge is found in the Bible, which is interpreted best by Reformed systematic theologians. Given that God demands that all people worship Him and love Him with all their hearts and souls and minds and strength, alleged knowledge and its related practices that clearly detract from loving God in this way, inherently misses the natural-law mark. Even though this is true, it's also true that there are aspects of the natural law that are presently unknown or not understood well. Given that natural law is that aspect of the eternal law that humans have the capacity to know, it is incumbent upon all humans to seek such knowledge. But this duty to seek such knowledge is only valid when it can be done without discarding God as the center of all knowledge. For genuine Christians, this means that such knowledge should be sought as Bible-

based mind renewal, for the advancement of God's kingdom on earth. That makes abandonment of Bible-based Christianity for the sake of following foreign practices of divination, astrology, soothsaying, sorcery, incantations, necromancy of the *ob*, sorcery of the *yido'a*, and necromancy for the sake of procuring information from the dead, all extremely unwise. — None of these eight *mitzvoth* pertains to ceremonial law in the sense of that phrase used by the WCF, Chapter 19. So they each pertain to descriptive moral law. None supports the human law prescribed by Genesis 9:6. Under the *secular religion*, people get to practice these things if they want. That doesn't make their practice prudent. These prohibitions can therefore NOT be replicated in a lawful *secular social compact*. Because these practices do not inherently call for the perpetration of *delicts*, the prohibitions, by themselves, do not fall into the purview of the Genesis 9:6 dormancy. They may be punished by penalties that DO fall into this purview. But the banning of these practices, by itself, doesn't. It's probably unwise for genuine Christian *religious social compacts* to encourage such practices in their congregations. But the same way it's necessary to allow apologists to study these practices for the sake of defending the faith, it may be necessary for such *religious social compacts* to make similar allowances.

Negative *mitzvoth* 39-40: These two *mitzvoth* pertain to cross-dressing, or what was more commonly called "transvestism" in the past. Deuteronomy 22:5 makes it clear that this practice "is an abomination to the Lord". Even though it certainly violates the Mosaic *religious social compact*, it does not violate the *secular religion*. It appears probable that cross-dressing was done at times by the "seven nations", as part of their religious practices. This firm admonition to avoid it is therefore part of "Not adopting the habits and customs of unbelievers" (negative *mitzvah* 30). Even though this, as a general rule, is an admonition that genuine Christians should adhere to, there are exceptional circumstances, as admitted by Thomas Aquinas: "Nevertheless this [(cross-dressing)] may be done sometimes without sin on account of some necessity, either in order to hide oneself from enemies, or through lack of other clothes, or for some similar motive."[1] But to engage in cross-dressing without being driven by such necessity is probably missing the mark, and should be discouraged in genuine Christian *religious social compacts*. — These two *mitzvoth* are obviously descriptive moral law and not ceremonial law. It doesn't aim at supporting natural rights. So these laws should absolutely not be replicated in any *secular social compact*. Neither of these *mitzvoth* calls for the perpetration of *delicts* under the Genesis 9:6

1 Aquinas, **Summa Theologica**, Second Part of the Second Part (SS) (QQ [1]-189), Question 169, "Of Modesty in the Outward Apparel", Article 2, "Whether the adornment of women is devoid of moral sin?", Reply to Objection 3. — URL: http://www.ccel.org/ccel/aquinas/summa.SS_Q169_A2.html, retrieved 10 December 2018.

dormancy. So it's probably prudent for genuine Christian *religious social compacts* to hold generally to these *mitzvoth* as a standard, but with substantial grace in the mix.

Negative *mitzvah* 41: This *mitzvah* is based on Leviticus 19:28: "You shall not make any cuts on your body for the dead or tattoo yourselves: I am the LORD." (**ESV**) Given that tattooing oneself is defined as imprinting marks upon oneself, the **ESV** and the Hebrew-English Parallel Bible[1] are saying the same thing. Perhaps among other reasons, the reason for this *mitzvah* may be at least in part indicated in *mitzvah* 30, to not adopt "the habits and customs of unbelievers". But this *mitzvah* is also a rational outgrowth of the expression used by Paul in 1Corinthians 6:19: "your body is a temple of the Holy Spirit". — This is clearly not ceremonial law, and is therefore descriptive moral law. Because this *mitzvah* pertains to something that one voluntarily does to oneself, it does not pertain to the defense of natural rights that arise out of the global covenant. So no lawful *secular social compact* should ever enforce this moral law. The *mitzvah* does not perpetrate damage against other people as part of the Genesis 9:6 dormancy. The conclusion must be that this *mitzvah* is adiaphoristic or second-order doctrine under the Messianic covenant.

Negative *mitzvah* 42: This *mitzvah* is "Not wearing a garment of wool and linen", Deuteronomy 22:11. — This is descriptive moral law and not ceremonial law. It does not support the natural rights that arise out of the global covenant, so it should never be replicated in a *secular social compact*. It doesn't call for the perpetration of damage to other people as part of the Genesis 9:6 dormancy. It is therefore adiaphoristic or second-order doctrine and practice under the Messianic covenant.

Negative *mitzvoth* 43-45: These three *mitzvoth* arise out of Leviticus 19:27-28: "You shall not round off the hair on your temples or mar the edges of your beard. You shall not make any cuts on your body for the dead or tattoo yourselves: I am the LORD." The tattooing was addressed in *mitzvah* 41. The cutting the flesh, shaving the beard, and shaving the temples are addressed by these *mitzvoth*. — These are not ceremonial, but are descriptive moral laws. They do not aim directly to support the natural rights acknowledged and supported by the global covenant. So these should never be implemented in any *secular social compact*. These also do not perpetrate Genesis 9:6 damage against other people. These *mitzvoth* are therefore adiaphoristic or second-order doctrines under the Messianic covenant.

Negative *mitzvah* 46: Deuteronomy 17:14-20 consists of laws that pertain to Israelite kings. Verse 16 says that the king should never "'cause the people to return

1 Jewish Publication Society (JPS) 1917 Translation.

to Egypt in order to acquire many horses, since the Lord has said to you, "You shall never return that way again."'" (**ESV**) This *mitzvah* is, "Not settling in the land of Egypt". — This is descriptive moral law that does not aim to support Genesis 9:6. It should never be replicated in a *secular social compact*. It does not call for the perpetration of Genesis 9:6 damage under the auspices of that verse's dormancy. At most, it is adiaphoristic or second-order doctrine under the Messianic covenant.

Negative *mitzvah* 47: Numbers 15:37-41 are about making and wearing *tzitzis*, tassels to be woven into the corners of garments. The *tzitzis* were to serve as a reminder of God's commandments, which would tend to steer one away from following one's own private inclinations instead of the *mitzvoth*. The rabbis see this as "Not accepting opinions contrary to those taught in the Torah". — If this is understood to be non-sacrificial ceremonial law, then it's clear that this *mitzvah* is adiaphoristic or second-order doctrine and practice. But given that Maimonides was focused on not going against *Torah*, it's probably more reasonable to take this *mitzvah* as descriptive moral law that does not aim directly to support Genesis 9:6 natural rights. Either way, this *mitzvah* should never be replicated in a *secular social compact*. It is also not part of the Genesis 9:6 dormancy. So as moral law, it is adiaphoristic or second-order doctrine to genuine Christian *religious social compacts*.

Negative *mitzvoth* 48-49: Deuteronomy 7:1-2 indicates that when God delivered the seven indigenous nations of Canaan into the hands of the Israelites, "then you must destroy them totally. Make no treaty with them, and show them no mercy." (v. 2b; **NIV**) If the Israelites would have offered terms of peace, then whatever agreement arose out of subsequent negotiations would have been a treaty, a kind of covenant or contract. *Mitzvah* 48 emphasizes that such a covenant is not an option in the obligatory war on the seven nations. It may have been an option in non-obligatory war with nations "that are at a distance" (Deuteronomy 20:15; positive *mitzvah* 190), but it's not an option with these seven nations. Exodus 23:32-33 emphasizes unconditional genocide on these seven nations. *Mitzvah* 49, Deuteronomy 20:16, emphasizes that in dealing with these seven nations, the Israelites are not to "leave alive anything that breathes" (v. 16b; **NIV**). — This is obviously not ceremonial law. It is descriptive moral law of a very peculiar kind. Neither of these *mitzvoth* aims directly to support the natural rights acknowledged and supported by the global covenant. Quite the contrary. They are diametrically opposed to natural rights. As such, they should never be replicated in any *secular social compact*. They call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. Because these *mitzvoth* are in direct opposition to Genesis 9:6, they are abrogated for both *secular* and *religious social compacts*. See the section below on the genocide.

Negative *Mitzvoth* 1-59

Negative *mitzvoth* 50-51: These two *mitzvoth* arise out of the same two passages that give rise to *mitzvah* 48. While *mitzvah* 48, Deuteronomy 7:2, emphasized "Make no covenant with them", *mitzvah* 50 emphasizes "show them no mercy". Maimonides / Chavel translate this into "Not to show mercy to idolators". *Mitzvah* 51 arises out of Exodus 23:33: "Do not let them live in your land or they will cause you to sin against me, because the worship of their gods will certainly be a snare to you." (**NIV**) — The conclusions about these two *mitzvoth* are practically identical to the conclusions about *mitzvoth* 48-49. It should be emphasized that Exodus 23:33 gives the reason for the genocide: "the worship of their gods will certainly be a snare to you".

Negative *mitzvoth* 52-53: Deuteronomy 7:3 indicates that Israelites are banned from intermarrying with the seven nations. Maimonides interprets this loosely to mean, "Not to intermarry with a heretic" (*mitzvah* 52). Deuteronomy 23:3 indicates that, "No Ammonite or Moabite or any of their descendants may enter into the assembly of the LORD" (**NIV**). Ammonites and Moabites were not part of the seven nations, but they were inimical nations at a distance. Maimonides interprets this to mean that Israelites are banned from intermarrying with male Ammonites and Moabites. — Neither of these is ceremonial law. Both are descriptive moral law representing the **purposive will** of God. Neither aims to support Genesis 9:6. So these prohibitions have no place in any *secular social compact*. Neither calls for the perpetration of Genesis 9:6 damage as part of the Genesis 9:6 dormancy. Given the nature of the Messianic covenant, it's probably imprudent to include bans like these in a genuine Christian *religious social compact*.

Negative *mitzvoth* 54-55: These two *mitzvoth* indicate that Edomites and Egyptians, respectively, should not be excluded entirely from the "assembly of the LORD". "Children born to them in the third generation may enter the assembly" (**ESV**). — If this is ceremonial law, then it is definitely non-sacrificial and adiaphoristic. If it is not ceremonial law, then it is descriptive moral law that does not aim directly to support Genesis 9:6. These *mitzvoth* should never be replicated in any *secular social compact*. But they also do not call for Genesis 9:6 damage as part of the Genesis 9:6 dormancy. Given the nature of the Messianic covenant, it's imprudent to include these *mitzvoth* in any genuine Christian *religious social compact*.

Negative *mitzvah* 56: This *mitzvah* is, "Not offering peace to Ammon or Moab". It arises out of Deuteronomy 23:3-6, with the emphasis on verse 6: "'You shall not seek their peace or their prosperity all your days forever.'" (**ESV**) — This is descriptive moral law that is clearly part of God's **purposive will**. It neither enforces against Genesis 9:6 damage nor perpetrates Genesis 9:6 damage as part of the Genesis 9:6 dormancy. It has no place in a *secular social compact*. Because this *mitzvah* calls for

cursing people based on their ethnicity, it also has no place in any genuine Christian *religious social compact*.

Negative *mitzvah* 57: This *mitzvah* bans cutting down trees that bear edible fruits and nuts during a siege on a city. This is based on Deuteronomy 20:19-20. Verse 20 states, "'Only the trees that you know are not trees for food you may destroy and cut down, that you may build siegeworks against the city'" (**ESV**). — This is descriptive moral law. Although the siege may be part of the Genesis 9:6 dormancy, the *mitzvah* alone neither enforces nor violates Genesis 9:6. It has no place in a *secular social compact*. It is adiaphoristic to genuine Christian *religious social compacts*.

Negative *mitzvah* 58: This *mitzvah* is "'Not fearing heretics in time of war'". The "heretics" referred to are the seven nations that are the target of genocide. Both Deuteronomy 7:21 and 3:22 say essentially the same thing: Don't be afraid of them because God is with you. — This is not ceremonial law and is descriptive moral law. It neither violates Genesis 9:6 nor supports it. It shouldn't be replicated in any *secular social compact*. This *mitzvah* should absolutely be an important principle in genuine Christian *religious social compacts*, although such *compacts* should be geared to prosecute wars only when the prosecution is "just".

Negative *mitzvah* 59: Deuteronomy 25:19b says, "'you shall blot out the memory of Amalek from under heaven; you shall not forget'" (**ESV**). While positive *mitzvah* 188 is, "The extinction of the seed of Amalek", and positive *mitzvah* 189 is, "Remembering the nefarious deeds of Amalek", this negative *mitzvah* is, "Not forgetting what Amalek did to us". All three of these *mitzvoth* are based on Deuteronomy 25:17-19. What was said above in appraisal of *mitzvoth* 188-189 applies here.

(c) Negative *Mitzvoth* 60-88 (Man's Duties to God) – "Our Duties to God, the Sanctuary, and the Services Therein": This class of negative *mitzvoth* is in some respects an extension of the class banning idolatry. But it also involves the sanctuary and its related services. So it includes both ceremonial law and descriptive moral law.

60) Not blaspheming the Great Name – Lev 24:16
61) Not violating a *shebuat bittui*[1] – Lev 19:12
62) Not swearing a *shebuat shav*[2] – Ex 20:7
63) Not profaning the Name of God – Lev 22:32

1 Oath of utterance.
2 A vain oath.

Sub-Div (c) Negative *Mitzvoth* 60-88

64) Not testing His promises and warnings – Deut 6:16

65) Not to break down houses of worship or to destroy holy books – Deut 12:4

66) Not leaving the body of an executed criminal hanging overnight – Deut 21:23

67) Not to interrupt the watch over the Sanctuary – Num 18:5

68) *Kohein Gadol*[1] may not enter Sanctuary at any but prescribed times – Lev 16:2

69) *Kohein*[2] with blemish not to enter Sanctuary from Altar inwards – Lev 21:23

70) *Kohein* with a blemish not to minister in the Sanctuary – Lev 21:17

71) *Kohein* with a temporary blemish not to minister in Sanctuary – Lev 21:18

72) Levites and *Kohanim* not perform each other's allotted services – Num 18:3

73) Not entering Sanctuary or giving a decision on any law of the *Torah* whilst intoxicated – Lev 10:8-11

74) *Zar*[3] not to minister in Sanctuary – Num 18:7

75) *Tameh Kohein*[4] not to minister in Sanctuary – Lev 22:3

76) *Kohein* who is *tevul yom*[5], not to minister in Sanctuary – Lev 22:6

77) *Tameh* person not to enter any part of Sanctuary – Num 5:3

78) *Tameh* person not to enter camp of Levites – Deut 23:10

79) Not to build an Altar of stones which were touched by iron – Ex 20:25

80) Not to ascend the Altar by steps – Ex 20:26

81) Not to extinguish the Altar fire – Lev 6:5

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1 High Priest.

2 Priest.

3 Anyone who is not of the seed of Aaron.

4 An unclean Priest.

5 "A *tevul yom* is one who, having contracted any uncleanness for which it is ordained that *he shall be unclean until evening*, has duly immersed himself in a ritual bath and must still wait for sunset before he is fully clean." — Chavel, **The Commandments**, vol. 2, p. 75, fn 2.

82) Not to offer any sacrifice whatever on the Golden Altar – Ex 30:9

83) Not to make oil like the Oil of Anointment – Ex 30:32

84) Not anoint anyone except *Kohein Gadol*[1] and King with special oil – Ex 30:32

85) Not to make incense like that used in Sanctuary – Ex 30:37

86) Not to remove the staves from their rings in the Ark – Ex 25:15

87) Not to remove the Breastplate from the Ephod – Ex 28:28

88) Not to tear the edge of the *Kohein Gadol's*[2] robe – Ex 28:32

Negative *mitzvah* 60: This *mitzvah* is based on Leviticus 24:16: "'Whoever blasphemes the name of the Lord shall surely be put to death. The entire congregation shall stone him.'" (**ESV**) Two men got in a fight. In the process of the fight, one of the men cursed God's name. God spoke to Moses, and stoning by the entire congregation was the penalty allotted to the blasphemer. This clearly shows the Mosaic penalty for taking the Lord's name in vain, the prohibition of which is one of the ten commandments. The *mitzvah* according to Maimonides is, "Not blaspheming the Great Name.". — This is obviously not ceremonial law. It is descriptive moral law. This commandment does not support Genesis 9:6 by calling for enforcement against Genesis 9:6 damage. So a *secular social compact* should never emulate it. But it very definitely violates Genesis 9:6 by calling for a penalty that is far outside the boundary of the Genesis 9:6 proportionality. This excess is certainly part of the Genesis 9:6 dormancy. The commandment itself, without the excessive punishment, is a necessary principle within any genuine Christian *religious social compact*. But the penalty is excessive under the Messianic covenant because of the abrogation of the dormancy. In conclusion, neither the commandment nor the penalty is jurisdictionally valid under a *secular social compact*. But under a genuine Christian *religious social compact*, the commandment is valid while the penalty is not.

Negative *mitzvoth* 61-63: These three *mitzvoth* are variations on *mitzvah* 60. Unlike *mitzvah* 60, no penalty is mentioned in the immediate vicinity of the Scriptures cited by these three *mitzvoth*; Leviticus 19:12, Exodus 20:7 (Protestantism's third commandment in the decalogue), and Leviticus 22:32, respectively. Rabbinical Judaism may find some distinctions between these three, including distinctions between them and *mitzvah* 60. But if the penalty in each case is the same, these

1 High Priest.

2 High Priest's.

are probably distinctions with little or no differences. In fact, it's likely that each of these infractions was rewarded with stoning. That being the case, what is said above about negative *mitzvah* 60 applies to each of these.

Negative *mitzvah* 64: Exodus 17:1-7 describes a situation in which the Israelites were so distraught about not having water, and in such unbelief about God's providence, that they were on the verge of stoning Moses (v. 4b). God did provide, but after that, Moses called that place "Massah" (testing) and "Meribah" (quarreling). In Deuteronomy 6:16, Moses recalls the testing at Meribah by saying the following: "'You shall not put the LORD your God to the test, as you tested him at Massah.'" (**ESV**) Maimonides takes the admonition in Deuteronomy 6:16 to be a duty: "Not testing his promises and warnings". — This is not ceremonial law. It is also not the kind of descriptive moral law that either supports or violates Genesis 9:6. So this law should not be replicated in any *secular social compact*. Because this is an admonition against gross unbelief, it should be incorporated into every genuine Christian *religious social compact*.

Negative *mitzvah* 65: Deuteronomy 12:2-3 indicate that the Israelites are to destroy utterly all evidence of the religions of the seven nations. The plain meaning of verse 4 in the **ESV** indicates that the Israelites are to worship their God in a way that is completely dissimilar to the practices of those nations. But Maimonides interprets verse 4 to mean that Israelites are "Not to break down houses of worship or to destroy holy books", apparently meaning houses of worship and holy books compatible with the Mosaic covenant. The rabbinical interpretation of verse 4 practically goes without saying. But rabbis might say the same about the **ESV**'s interpretation. — Regardless of which interpretation one takes as correct, there are certain things that can be said about this commandment. This is not ceremonial law, and it is therefore descriptive moral law. It does not support Genesis 9:6. So it should not be replicated in any *secular social compact*. It does not inherently call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. If the **ESV**'s interpretation is correct, then it is certainly prudent to incorporate this into any genuinely Christian *religious social compact*. If the rabbinical interpretation is correct, it essentially amounts to forbearance against destroying one's own property, which goes without saying.

Negative *mitzvah* 66: This is essentially an expression as a negative law something that was expressed as positive law in positive *mitzvoth* 230-231. The commentary there applies to this *mitzvah*, "Not leaving the body of an executed criminal hanging overnight", Deuteronomy 21:22-23.

Negative *mitzvah* 67: Numbers 18:1-7 expounds the duties of the priests and Levites. Their duties revolve around the sanctuary. Verse 1 makes it clear that the

Aaronic priests are responsible for everything that happens in the sanctuary. The rest of the passage makes it clear that the Aaronic priests are to employ the rest of the Levites as peripheral helpers. In verse 5, God said to Aaron, "'You are to be responsible for the care of the sanctuary and the altar, so that my wrath will not fall on the Israelites again.'" (**ESV**) Maimonides translates this into the negative *mitzvah*, "Not to interrupt the watch over the Sanctuary". This clearly means that the priestly responsibilities are constant, and uninterrupted. — This is obviously ceremonial law. There are certainly moral-law underpinnings to it, which can never be abrogated. But this is sacrificial ceremonial law that is abrogated under the Messianic covenant, because the Messianic covenant officially fulfilled it.

Negative *mitzvah* 68: After two sons of Aaron offered strange fire before the Lord, and were consumed (Leviticus 10:1-2), God had Moses tell Aaron "'not to come whenever he chooses into the Most Holy Place behind the curtain in front of the atonement cover on the ark, or else he will die.'" (Leviticus 16:2; **NIV**) Maimonides interprets this to mean that the high priest "may not enter Sanctuary at any but prescribed times". The prescribed time for the high priest to enter the Most Holy Place was once a year, on the Day of Atonement. — This is sacrificial ceremonial law because it is utterly dependent upon the existence of the sanctuary and the priesthood. Under the Messianic covenant, such laws have been abrogated, although their moral-law undergirdings can never be abrogated.

Negative *mitzvah* 69-71: These three *mitzvoth* are the following: (i)no priest with a blemish should minister in the sanctuary (70); (ii)this is true even if the blemish is merely temporary (71); and (iii)a priest with a blemish should not "enter Sanctuary from altar inwards" (69). Maimonides rightly finds these *mitzvoth* in Leviticus 21:16-24. — These *mitzvoth* are also sacrificial ceremonial laws that have been abrogated under the Messianic covenant, because the sanctuary and Levitical priesthood have been abrogated.

Negative *mitzvah* 72: In this *mitzvah*, Maimonides indicates that the Levites and the Aaronic priesthood should "not perform each other's allotted services". Numbers 18:1-7 certainly confirms this as a true statement. — This is sacrificial ceremonial law, because the Aaronic priesthood and sanctuary are abrogated under the Messianic covenant, even though the moral undergirdings of this *mitzvah* are not abrogated.

Negative *mitzvah* 73: This *mitzvah* is, "Not entering Sanctuary or giving a decision on any law of the *Torah* whilst intoxicated". According to Maimonides, it arises out of Leviticus 10:8-11. This passage explicitly forbids the Aaronic priesthood from entering into the sanctuary under the influence of alcoholic beverages. That the same ban on alcohol exists when such a priest is "giving a decision on any law

of the *Torah*" is an extrapolation, an inference, although it may be valid to see it as implicit within the text. — Because the sanctuary is abrogated under the Messianic covenant, at least half of this is abrogated, as sacrificial ceremonial law. The part that might not be abrogated is the part which says, "Not … giving a decision on any law of the *Torah* whilst intoxicated". It can be taken as non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine and practice.

Negative *mitzvah* 74: As is clear in references to Numbers 18 in negative *mitzvoth* 67 and 72, the core services of the sanctuary are the responsibility of the Aaronic priesthood. So this *mitzvah*, "*Zav* not to minister in the Sanctuary", where *zav* is "Anyone who is not of the seed of Aaron", should already be clear. Maimonides puts this prohibition in this separate *mitzvah* to make sure that there is no doubt. No one but those of the Aaronic priesthood are allowed to serve in these core functions. — The priesthood and sanctuary being abrogated as sacrificial ceremonial law, this *mitzvah* is likewise abrogated.

Negative *mitzvoth* 75-76: These two *mitzvoth* pertain to the unclean priest, and to the priest who was "unclean until evening" who has taken a ritual bath, but "must still wait for sunset before he is fully clean". These arise out of Leviticus 22:1-9. In neither case should the priest be allowed to minister in the sanctuary. — Because the Aaronic priesthood and sanctuary are abrogated, these are abrogated.

Negative *mitzvoth* 77-78: Numbers 5:1-3 and Deuteronomy 23:10-11 both emphasize that unclean people are to "go outside the camp". If they must go outside the camp, then they are certainly banned from entering "any part of the Sanctuary" (*mitzvah* 77), and from entering the "camp of the Levites" (*mitzvah* 78). — Both of these *mitzvoth* are non-sacrificial ceremonial law to the extent that they are about uncleanness. Because of this, they are adiaphoristic or second-order doctrines, in keeping with positive *mitzvah* 31. Because negative *mitzvah* 77 bans entry of the unclean into the sanctuary, it is abrogated to the extent that the sanctuary must exist for it to be meaningful. Of course, the moral-law undergirdings of these *mitzvoth* cannot be abrogated.

Negative *mitzvoth* 79-80: These two *mitzvoth* are based on Exodus 20:22-26. These are instructions about how God's altar is to be made. It is to be made of earth, including the option of using stones. But not of hewn stones. This is because, "if you wield your tool on it, you profane it" (v. 25b; **ESV**). God's people are also not to construct the altar so that one ascends to it by steps (*mitzvah* 80). — If these *mitzvoth* were not abrogated because the sanctuary is abrogated, they would heap condemnation on modern church construction. But they are abrogated. Even so, the moral-law undergirdings of these *mitzvoth* are not abrogated.

Negative *mitzvah* 81: Leviticus 6:12-13 (6:5-6 in the *Tanakh*) emphasize that the fire on the altar is to be kept burning continually, thus the negative *mitzvah*, "Not to extinguish the altar fire". — Because the altar and sanctuary are abrogated, this *mitzvah* is abrogated as sacrificial ceremonial law.

Negative *mitzvah* 82: Exodus 30:1-10 describes the altar of incense. These instructions indicate that it is made of acacia wood overlaid with gold. Verse 9 indicates, "'You shall not offer unauthorized incense on it, or a burnt offering, or a grain offering, and you shall not pour a drink offering on it.'" From this verse arises this *mitzvah*, "Not to offer any sacrifice on the Golden Altar". — Because the altar of incense is part of the tabernacle, and the tabernacle pertains to sacrificial ceremonial law, and so do the offerings mentioned, and sacrificial ceremonial law is abrogated, the altar of incense has been abrogated, and this *mitzvah* has been abrogated.

Negative *mitzvoth* 83-84: Exodus 30:22-25 is instructions in how to make "'a holy anointing oil'". Verses 26-30 indicate how it is to be used. All the furniture in the tabernacle are to be anointed with it. So are Aaron the high priest and his sons. *Mitzvah* 84 indicates that not only is the high priest to be anointed with this oil, but so is the king. The anointing of the king is a rabbinical extrapolation from this passage. Verse 33 indicates that "Whoever compounds any like it or whoever puts any of it on an outsider shall be cut off from his people.'" This prohibition on using this oil for any purpose other than that indicated in the passage is the source of *mitzvoth* 83 and 84 - not to make it (83), and not to anoint anyone other than the high priest and the king with it (84). — Given that the sanctuary and all of its furnishings and utensils are abrogated, that the Aaronic priesthood is abrogated, and that the monarchy with the exception of King Jesus is abrogated, it's reasonable that the constraints on creation and usage of this anointing oil would be abrogated. That would make creation and usage of it among genuine Christians adiaphoristic.

Negative *mitzvah* 85: Exodus 30:34-38 pertains to creation and usage of incense that's to be used in the tabernacle, presumably on the altar of incense described in Exodus 30:1-10. This *mitzvah* arises out of verse 38: "Whoever makes any like it to use as perfume shall be cut off from his people.'" — The commentary on the anointing oil (*mitzvoth* 83-84, excluding reference to the king) applies also to this *mitzvah*.

Negative *mitzvoth* 86-88: These three *mitzvoth* are, (86)"Not to remove the staves from their rings in the Ark"; (87)"Not to remove the Breastplate from the Ephod"; and (88)"Not to tear the edge of the *Kohein Gadol*'s robe". They arise from, (86)Exodus 25:15; (87)Exodus 28:28; and (88)Exodus 28:32. — Each of these pertains to abrogated instruments. Therefore, these negative *mitzvoth* are also abrogated as sacrificial ceremonial law.

Sub-Div (d) Negative *Mitzvoth* 89-171

(d) Negative *Mitzvoth* 89-171 (Man's Duties to God) – "Sacrifices, Priestly Gifts, Priests, Levites, and Related Subjects": Like much of the second category of negative *mitzvoth*, judging by the title, this third category appears to be largely sacrificial ceremonial law that is abrogated under the Messianic covenant.

89) Not to offer sacrifices outside the Sanctuary Court – Deut 12:13-14

90) Not to slaughter holy offerings outside the Sanctuary Court – Lev 17:3-4

91) Not to dedicate a blemished animal to be offered on the Altar – Lev 22:20

92) Not to slaughter a blemished animal as a *korban*[1] – Lev 22:22

93) Not to dash the blood of a blemished beast on the Altar – Lev 22:24

94) Not to burn the sacrificial portions of blemished beast on Altar – Lev 22:22

95) Not to sacrifice a beast with a temporary blemish – Deut 17:1

96) Not to offer a blemished sacrifice of a gentile – Lev 22:25

97) Not to cause an offering to become blemished – Lev 22:21

98) Not to offer leaven or honey upon the Altar – Lev 2:11

99) Not to offer a sacrifice without salt – Lev 2:13

100) Not to offer on Altar the "hire of a harlot" or "price of a dog" – Deut 23:18

101) Not to slaughter the mother and her young on the same day – Lev 22:28

102) Not to put olive oil on the meal-offering of a sinner – Lev 5:11

103) Not to put frankincense on the meal-offering of a sinner – Lev 5:11

104) Not mingle olive oil with meal-offering of suspected adulteress – Num 5:15

105) Not put frankincense on meal-offering of suspected adulteress – Num 5:15

106) Not to change a beast that has been consecrated as an offering – Lev 27:10

1 A Sacrifice.

107) Not to change one's holy offering for another – Lev 27:26
108) Not to redeem the firstling of a clean beast – Num 18:17
109) Not to sell the tithe of cattle – Lev 27:33
110) Not to sell devoted property – Lev 27:28
111) Not to redeem devoted land without specific statement of purpose – Lev 27:28
112) Not to sever the head of the bird of Sin-offering during *melikah*[1] – Lev 5:8
113) Not to do any work with a dedicated beast – Deut 15:19
114) Not to shear a dedicated beast – Deut 15:19
115) Not slaughter the *Korban Pesach*[2] while *chametz*[3] remains in our possession – Exodus 23:18; 34:25
116) Not to leave any sacrificial portions of *Korban Pesach* overnight – Ex 34:25; 23:18
117) Not to allow meat of *Korban Pesach* to remain until morning – Ex 12:10
118) Not to allow meat of 14 *Nissan* Festival Offering remain till day 3 – Deut 16:4;
119) Not to allow meat of *Pesach Sheini*[4] offering to remain till morning – Num 9:12
120) Not to allow meat of thanksgiving offering to remain till morning – Lev 22:30
121) Not to break any bones of *Pesach* offering – Lev 22:30
122) Not to break any bones of *Pesach Sheini* Offering – Num 9:12
123) Not to remove *Pesach* offering from where it is eaten – Ex 12:46
124) Not to bake the residue of a meal offering with leaven – Lev 6:10
125) Not to eat the *Pesach* offering boiled or raw – Ex 12:9

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1 *Melikah* is "nipping or pinching of the bird's head". — Chavel, **The Commandments**, vol. 2, p. 106, fn 1.

2 The Paschal lamb, the passover offering.

3 Leaven.

4 The Second Passover.

Negative *Mitzvoth* 89-171

126) Not to allow a *ger toshav*[1] to eat the *Pesach* offering – Ex 12:45

127) An uncircumcised person may not eat the *Pesach* offering – Ex 12:48

128) Not to allow an apostate Israelite to eat the *Pesach* offering – Ex 12:43

129) *Tameh* Person may not eat hallowed food – Lev 12:4

130) Not to eat meat of consecrated offerings which have become *tameh*[2] – Lev 7:19

131) Not eating *nosar*[3] – Lev 19:1-20:27, especially Lev 19:6-8

132) Not eating *piggul*[4] – Ex 29:33; Lev 7:18

133) A *zar* may not eat *terumah*[5] – Lev 22:10

134) A *Kohein*'s tenant or hired servant may not eat *terumah* – Lev 22:10

135) An uncircumcised *Kohein* may not eat *terumah* [6] – Ex 12:45; Lev 22:10; Ex 12:48

136) *Tameh Kohein* may not eat *terumah* – Lev 22:4; Lev 22:9(See Negative Command 90.)

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1 "A resident alien, that is, a heathen who has foresworn idolatry, but has not as yet been fully converted to Judaism …." — Chavel, **The Commandments**, vol. 2, p. 115.

2 Unclean.

3 "meat of offerings which is left beyond the time assigned for its consumption". — Chavel, **The Commandments**, vol. 2, p. 119.

4 "a sacrifice which has been rendered unfit through improper intentions as to its disposal at the time when it was slaughtered or offered … " — Chavel, **The Commandments**, vol. 2, p. 121.

5 "*Zar*, 'stranger', means here anybody not descended from Aaron. *Terumah* is the heave-offering, which was a gift to the priest, and includes, besides the heave-offering proper, the heave-offering of the tithe, the first-fruits, and the dough-offering (*chalah*) …." — Chavel, **The Commandments**, vol. 2, p. 123.

6 There is not an explicit statement of this command. Its inclusion in the *Taryag Mitzvoth* is based on a *gazerah shavah*. This literally means that it is based upon "'a similar expression': that is, an analogy between two laws established on the basis of verbal congruities in the Scriptural texts." — Chavel, **The Commandments**, vol. 2, p. 122, fn 2. — This is evidently a law that is derived from the Thirteen (Exegetical) Principles, and is also included by "the bearers of the Tradition" as "a Scriptural and not merely a Rabbinical prohibition." — Chavel, **The Commandments**, vol. 2, p. 126.

137) A *chalalah* may not eat holy food[1] – Lev 22:12

138) Not to eat the meal-offering of a *Kohein* – Lev 22:10

139) Not eat Sin-offering meat whose blood was brought into Sanctuary – Lev 6:23

140) Not to eat the invalidated consecrated offerings – Deut 14:3

141) Not to eat unredeemed 2nd tithe of corn outside Jerusalem (Deut 12:5-7) – Deut 12:17

142) Not consuming unredeemed 2nd tithe of wine outside Jerusalem (Deut 12:5-7) – Deut 12:17

143) Not consuming unredeemed 2nd tithe of oil outside Jerusalem (Deut 12:5-7) – Deut 12:17

144) Not eating an unblemished firstling outside Jerusalem (Deut 12:5-7) – Deut 12:17

145) Not eat sin-offering and guilt-offering outside Sanctuary court – Deut 12:17

146) Not to eat the meat of a burnt offering – Deut 12:17

147) Not eat lesser holy offerings before blood dashed on Altar – Deut 12:17

148) *Kohein* not to eat first fruits outside Jerusalem(Deut 12:5-7) – Deut 12:17

149) A *zar* not to eat the most holy offering[2] – Ex 29:33

150) Not eating an unredeemed *tameh* 2nd tithe, even in Jerusalem(Deut 12:5-7) – Deut 26:14

151) Not eating the 2nd tithe in mourning – Deut 26:14

152) Not spend 2nd tithe redemption money, except on food and drink – Deut 26:14

153) Not eating *tevel* [3] – Lev 22:15

154) Not altering the prescribed order of harvest tithing[4] – Ex 22:28

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1 A *chalalah* is a "woman of impaired priestly stock" See Negative Command 159. — Chavel, **The Commandments**, vol. 2, p. 128, fn 1.

2 "*Zar*, 'stranger', means here anybody not descended from Aaron." — Chavel, **The Commandments**, vol. 2, p. 123, fn 1.

3 *Tevel* is "produce from which the heave-offering and the tithes have not been taken.".

4 This is apparently the order prescribed by rabbinical tradition: First there is *tevel*. Then the heave-offering is taken out (Deuteronomy 18:4), which is usually one-fiftieth.

Negative *Mitzvoth* 89-171

155) Not to delay payment of vows – Deut 23:22

156) Not to appear in Sanctuary on festival without sacrifice – Ex 23:15; Deut 16:16

157) Not to infringe on any oral obligation, even if without an oath – Num 30:3

158) *Kohein* may not marry a *zonah*[1] – Lev 21:7

159) *Kohein* may not marry a *chalalah*[2] – Lev 21:7

160) *Kohein* may not marry a divorcee – Lev 2:7

161) *Kohein Gadol*[3] may not marry a widow – Lev 21:14

162) *Kohein Gadol* may not have relations with a widow – Lev 21:15

163) *Kohein* with disheveled hair may not enter the Sanctuary – Lev 10:6

164) *Kohein* wearing rent garments may not enter Sanctuary – Lev 10:6

165) Ministering *Kohanim* may not leave the Sanctuary – Lev 10:7; Lev 21:12

166) Common *Kohein* may not defile himself for dead (except some) – Lev 21:1-3

167) *Kohein Gadol* may not be under one roof with dead body – Lev 21:11

168) *Kohein Gadol* may not defile himself for any dead person – Lev 21:11

169) Levites may not take a share of the land – Deut 18:1

Then the first tithe is taken out (Numbers 18:24). Then the second tithe is taken out (Deuteronomy 14:22).

1 "This term means here a woman who has had intercourse with an Israelite who was forbidden to her as a husband under the penalty of extinction or of whipping; or a woman who has had intercourse with a 'profaned' priest, even if he was not forbidden to her as husband; or a non-Israelite woman." — Chavel, **The Commandments**, vol. 2, p. 149, fn 3.

2 "A woman of impaired priestly status, i.e., the daughter of a priest by a woman whom as a priest he is forbidden to marry, such as a widow in the case of a High Priest, or a divorced woman in the case of an ordinary priest. It also denotes a woman who has lost the right to marry a priest by reason of previous union with a priest who, as such, was forbidden to marry her." — Chavel, **The Commandments**, vol. 2, p. 150, fn 1.

3 The High Priest.

170) Levites may not share in the spoil on conquest of the Land – Deut 18:1

171) Not to tear out hair for the dead – Deut 14:1; Lev 21:5

Negative *mitzvah* 89: In Deuteronomy 12:13-14 Moses, as mediator of the covenant, told the Israelites that they should not make their burnt offerings anywhere other than "at the place the Lord will choose in one of your tribes" (v. 14). That special place while they were wandering in the wilderness was wherever the tabernacle was. After crossing over the Jordan into the promised land, the tabernacle was parked at Shiloh for several centuries, so "the place" then was the tabernacle at Shiloh, in the hill country of Ephraim. After that the temple was built in Jerusalem, and that was "the place", relocated to Judah. Verse 11 indicates that this is not merely about "burnt offerings", but also about all the sacrifices that God commands the people to bring. Maimonides reasonably translates this passage in Deuteronomy to mean, "Not to offer sacrifices outside the Sanctuary Court". — This is obviously ceremonial law that is obviously sacrificial. It is therefore abrogated under the Messianic covenant, although its moral undergirdings can never be abrogated.

Negative *mitzvah* 90: This *mitzvah* appears at first to be the same as *mitzvah* 89, except worded differently. But Leviticus 17:3-4 indicates that anyone who kills an ox, lamb, or goat without bringing "it to the entrance of the tent of meeting" (v. 4) is to be "cut off". Verse 5 clarifies the purpose: "This is to the end that the people of Israel may bring their sacrifices that they sacrifice in the open field, that they may bring them to the Lord, to the priest at the entrance to the tent of meeting". Given that Deuteronomy 12:15 indicates that people in the promised land are allowed to slaughter and eat as much meat as they want, the ban is not so much against killing ox, lamb, goat, *etc*., somewhere other than at the sanctuary, as it is against Israelites operating outside the Mosaic sacrificial system. So the conclusion is that *mitzvoth* 89 and 90 are alike after all. They are both also sacrificial ceremonial law that is abrogated.

Negative *mitzvoth* 91-97: These seven *mitzvoth* each pertains to the ban on blemished sacrifices. Because Mosaic sacrifices are all abrogated, each of these is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 98-99: These two *mitzvoth* are, (98)not to offer leaven or honey, and (99)not to make an offering without salt. — These are both sacrificial ceremonial law that has been abrogated.

Negative *mitzvah* 100: Deuteronomy 23:17-18 indicates that there shall not be any cult prostitutes in Israel, regardless of whether they are male or female. There is therefore no place for anyone bringing the "'hire of a harlot'". When the *mitzvah* says that there is no place for the "'price of a dog'", "dog" can be understood to be a

male prostitute. — Although this *mitzvah* is, "Not to offer on the altar the 'hire of a harlot' or 'price of a dog'", and it therefore falls within the category of what is an acceptable offering and what is not, the moral undergirdings are close to the surface. This is sacrificial ceremonial law that has been abrogated. But the moral repugnance against all kinds of sexual debauchery persists.

Negative *mitzvah* 101: Leviticus 22:27-28 indicate that when an "ox or sheep or goat is born, it shall remain seven days with its mother" (v. 27), and from the eighth day, it can be sacrificed. But after the seventh day, both the mother and the young should not be killed on the same day (v. 28). — This is obviously sacrificial ceremonial law that is abrogated under the Messianic covenant.

Negative *mitzvoth* 102-105: Leviticus 5:11 indicates that when a sinner brings a sin offering, "He shall put no oil on it and shall put no frankincense on it, for it is a sin offering." (**ESV**) This explains the source of *mitzvoth* 102-103. Numbers 5:15 is similar, but it pertains to a jealous husband who suspects his wife is an adulteress. He brings his wife to the priest with a sin offering, where no oil or frankincense is to be put on the offering. This explains the source of *mitzvoth* 104-105. — These being more qualifications for acceptable offerings, each of these *mitzvoth* is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 106-107: Both of these *mitzvoth* arise out of Leviticus 27. As the commentary above about positive *mitzvoth* 114-117 indicates, Leviticus 27 is dedicated to the way the Levitical priests deal with vows voluntarily made, vows beyond normal duties. It is dedicated largely to evaluating objects offered. Negative *mitzvah* 106, arising out of Leviticus 27:9-10, indicates that once an animal has been vowed as a sacrificial offering, it cannot be exchanged for some other animal. Negative *mitzvah* 107, arising out of Leviticus 27:26, indicates that because the firstborn of animals are automatically dedicated to the Lord, no man can make a voluntary vow of it. One cannot "change one's holy offering for another". — Both of these *mitzvoth* are sacrificial ceremonial laws that have been abrogated.

Negative *mitzvah* 108: This *mitzvah* states, "Not to redeem the firstling of a clean beast". In keeping with negative *mitzvah* 107, Numbers 18:17 indicates that firstlings are automatically dedicated, and they cannot be redeemed or bought back. — This is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 109-111: These three *mitzvoth* arise out of Leviticus 27. Leviticus 27 addresses how priests should deal with voluntary vows. Leviticus 27:32-33 indicates that every tenth animal in herds and flocks is "holy to the Lord … it shall not be redeemed". In other words, the owner cannot buy it back, and the priests cannot sell it back (109). There is a distinction made in Leviticus 27 between things that a man dedicates to the Lord, which can be redeemed, and things that a

man devotes to the Lord, which cannot be redeemed.[1] Within the overall context of this chapter, verse 28 makes this clear: "But no devoted thing that a man devotes to the Lord … shall be sold or redeemed" (**ESV**; 110). Regarding *mitzvah* 111, it's difficult to see how devoted land can be redeemed, with or without a "specific statement of purpose". So it appears that *mitzvah* 111 must be rabbinical **eisegesis**. — These are all clearly sacrificial ceremonial laws that have been abrogated.

Negative *mitzvah* 112: When someone needs to make a sin offering, but can't afford a lamb, then he could take two turtledoves or two pigeons, one for a sin offering and the other for a burnt offering. The priest "shall wring its head from its neck but shall not sever it completely" (**ESV**). — Again, this is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 113-114: Deuteronomy 15:19 indicates that firstborn males of one's herd and flock should be dedicated to the Lord. The firstborn of the herd are to do no work (113). The firstborn of the flock are not to be sheared (114). — This is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 115-123: *Mitzvah* 115 is a commandment to not slaughter the Passover lamb while there is leaven in the house. *Mitzvah* 116 indicates that none of the Passover lamb should remain until morning. *Mitzvah* 117 essentially indicates the same thing as 116 from the original Passover (Exodus 12:10). Regarding *mitzvah* 118, the "14 *Nissan* Festival" is the celebration of the actual Passover that occurred on the fourteenth day of the month of *Nissan*. But the rabbis have rationalized a way to extend this to two days, so that they interpret Deuteronomy 16:4b, "nor shall any of the flesh that you sacrifice on the evening of the first day remain all night until morning", to mean that it should not remain till morning of the third day. *Mitzvah* 119 references *Pesach Sheini* based on Numbers 9:12. Actually 9:9-12 explains how people who cannot keep Passover because they are temporarily unclean or on a long journey, can keep it a month later, observing the same rigorous guidelines. So none of the meat of the Passover lamb should remain until morning for this delayed observance either. *Mitzvah* 120 indicates that any thanksgiving offering should be eaten on the same day it is offered, with none left over (Leviticus 22:29-30). *Mitzvah* 121 indicates that no bones of the *Pesach* offering should be broken, based on Exodus 12:46. As should be expected, this restriction also applies to the *Pesach Sheini* offering (Numbers 9:9-12). Exodus 12:46 also indicates that none of the flesh

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1 Matthew Henry's commentaries mark this as a difference between sanctified things and devoted things. — URL: https://biblestudytools.com/commentaries/matthew-henry-complete/leviticus/27.html, retrieved 18 December 2018.

of the Passover lamb is to be taken outside the house (*mitzvah* 123). — All of these are sacrificial ceremonial laws that have been abrogated.

Negative *mitzvah* 124: Leviticus 6:14-18 (Leviticus 6:7-11 in the *Tanakh*) is the law of the grain offering. Verses 16-17 indicate that it should not be cooked with leaven, which is what this *mitzvah* is about. — Again, it's sacrificial ceremonial law that is abrogated under the Messianic covenant.

Negative *mitzvah* 125: *Mitzvah* 125 indicates that the Passover offering should not be eaten raw or boiled (Exodus 12:9). — This is sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 126-128: While most of these abrogated terms of the Mosaic covenant pertain to that covenant's subject-matter jurisdiction, these three *mitzvoth* say something important about the *in personam* jurisdiction. *Mitzvah* 126 indicates that a "*ger toshan*" should not eat the Passover offering. Such a person is, "A resident alien, that is, a heathen who has foresworn idolatry, but has not as yet been converted to Judaism". This is based on Exodus 12:45, which says, "No foreigner or hired worker may eat it." The rabbis have clearly taken liberties in their interpretation. Regardless, such people are outside the covenant and rightly banned from the Passover. *Mitzvah* 127 (Exodus 12:48) indicates that males must be circumcised to partake of the Passover. As in the Abrahamic covenant, circumcision is a necessary sign for participation. *Mitzvah* 128 says that apostate Israelites should not be allowed to eat the Passover. This is based on Exodus 12:43, which says, "no foreigner shall eat of it". So the rabbis deem apostate Israelites as foreigners. — To the extent that these *mitzvoth* revolve around the Passover and require temple sacrifices, they are abrogated sacrificial ceremonial law. To the extent that they revolve around the big issue, the *in personam* jurisdiction of the Mosaic covenant, and of the local covenants in general, the issues are much more complicated and should be addressed in more detail below. To the extent that they can be observed without priests, sanctuary, sacrifices, *etc.*, they are non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine under the Messianic covenant.

Negative *mitzvah* 129: This *mitzvah* indicates that an unclean person is not permitted to eat hallowed food. It's based on Leviticus 12:4. That chapter in Leviticus pertains to purification after childbirth. That verse indicates that the woman "must not touch anything sacred", including sanctified food, until her purification period is over. — If one assumes that sanctified, "hallowed" food continues to exist under the Messianic covenant, even though the means by which it becomes hallowed would be different, it's reasonable to understand this *mitzvah* to be non-sacrificial ceremonial law. Under these circumstances, the conception of the *tameh* person, and of what

constitutes uncleanness, becomes adiaphoristic, and so does the conception of what constitutes hallowed food.

Negative *mitzvoth* 130-132: These three *mitzvoth* are, (i)not to eat meat of a consecrated offering when the meat has become unclean (Leviticus 7:19 — It can become unclean by touching something unclean.); (ii)not to eat meat of a consecrated offering "left beyond the time assigned for its consumption" (Leviticus 19:6-8); and (iii)not to eat "a sacrifice which has been rendered unfit through improper intentions as to its disposal at the time when it was slaughtered or offered" (Leviticus 7:17-18). — These are each sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 133-136: Each of these *mitzvoth* is about *terumah*, the heave offering. *Mitzvoth* 133-134 ban anyone who is not of the seed of Aaron, any priest's tenant, and any priest's hired worker, from eating it. *Mitzvah* 135 bans the uncircumcised priest from eating the heave offering. Circumcision being a prerequisite to being party to the covenant, and being a party to the covenant being a prerequisite to being a priest, this extrapolated *mitzvah* really goes without saying. *Mitzvah* 136 bans any unclean priest from eating the heave offering. — These are each sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 137-140: These *mitzvoth* are also about what people can and cannot eat. A "*chalalah*" is a "woman of impaired priestly stock", such as a priest's daughter who marries a layman. Such a woman is barred from eating food dedicated to the Lord (137; Leviticus 22:12). So is anyone who is not a priest or part of a priest's household (138; Leviticus 22:10). *Mitzvah* 139 is based on Leviticus 6:30 (6:23 in the *Tanakh*). It holds that "no sin offering shall be eaten from which any blood is brought into the tent of meeting to make atonement in the Holy Place". *Mitzvah* 140 is based on Deuteronomy 14:3, which simply says, "You shall not eat any abomination." Deuteronomy 14:1-21 is dedicated to describing the difference between clean and unclean food. In keeping with *mitzvah* 130, 140 includes "invalidated consecrated offerings" within the category of unclean food. — Each of these *mitzvoth* is sacrificial ceremonial law that is abrogated under the Messianic covenant.

Negative *mitzvoth* 141-144: Each of these *mitzvoth* indicates that a particular kind of offering should not be consumed outside Jerusalem. Given that Jerusalem is not mentioned in the *Torah*, it appears at first to be a mystery how the rabbis could come to make this claim. Deuteronomy 12:5-7 explains this. That passage indicates that at some time in the future, after the Israelites had taken the promised land, God would choose "to put his name and make his habitation" at some place within one of the tribes of Israel. The Bible later reveals that that place was Jerusalem, in the tribe of Judah. Deuteronomy 12:17-18 indicates that the "unredeemed 2nd tithe of

corn" (141), the "unredeemed 2nd tithe of wine" (142), the "unredeemed 2nd tithe of oil" (143), and the "unblemished firstling" (144) should not be eaten outside this specially designated place. — These are each abrogated sacrificial ceremonial law.

Negative *mitzvoth* 145-148: Each of these *mitzvoth* is based on Deuteronomy 12:17-18, like *mitzvoth* 141-144. The list of offerings that should only be eaten in God's specially designated place includes "vow offerings" and "freewill offerings" (v. 17). These apparently encompass sin offerings and guilt offerings in the rabbinical worldview, which should not be eaten "outside Sanctuary court" (145). It's not readily apparent how the rabbis get *mitzvah* 146, "Not to eat the meat of a burnt offering", from Deuteronomy 12:17. It's also not apparent how they get *mitzvah* 147, "Not eat lesser holy offerings before blood dashed on Altar", from Deuteronomy 12:17. Because "firstlings" are "first fruits", and because such offerings are only to be eaten in this specially designated place, it makes sense that the priests would not be allowed to eat them outside this specially designated place (148). — All these are sacrificial ceremonial law, and each is abrogated.

Negative *mitzvah* 149: Negative *mitzvah* 133 indicates that a *zar*, stranger, meaning anyone not descended from Aaron, could not eat the heave offering. *Mitzvah* 149 indicates that the same kind of person cannot eat the offering made at the ordination of priests (Exodus 29:33). — Again, this is sacrificial ceremonial law that is abrogated.

Negative *mitzvoth* 150-152: Each of these *mitzvoth* pertains to treatment of the "2nd tithe", the tithe "of all your produce in the third year". They are each based on Deuteronomy 26:12-14. Verse 14 clearly discourages one from eating the tithe while in mourning, eating it while unclean, and offering any of it to the dead. Although *mitzvoth* 150 and 152 clearly are based on verse 14, they both appear to suffer from rabbinical **eisegesis**, not being clearly **exegeted** from verse 14. — Each of these is sacrificial ceremonial law, regardless of the extent to which they suffer rabbinical **eisegesis**. So each is abrogated.

Negative *mitzvah* 153: This is "Not eating *tevel*". *Tevel* is "produce from which the heave-offering and the tithes have not been taken". It's based on Leviticus 22:14-15. — This is abrogated sacrificial ceremonial law.

Negative *mitzvah* 154: This *mitzvah* arises out of Exodus 22:29 (22:28 in the *Tanakh*), but with a measure of rabbinical **eisegesis**. That verse states, "'You shall not delay to offer from the fullness of your harvest and from the overflow of your presses'". From this and other sources in the *Torah*, rabbinical tradition extrapolates a "prescribed order of harvest tithing". By way of this mechanism the admonition to "not delay" in making one's offering changes to "Not altering the prescribed order". — Regardless, this is sacrificial ceremonial law that has been abrogated.

Negative *mitzvah* 155: This *mitzvah* arises out of Deuteronomy 23:21-23 (vv. 22-24 in the *Tanakh*). It emphasizes that any vow that one makes to God, one is obligated to keep, timely. The *mitzvah* is, "Not to delay payment of vows". — This is not merely ceremonial law. It is descriptive moral law. The fundamental gist of it cannot be abrogated. But under the Messianic covenant, which is based more explicitly on God's grace, and in which all humans are understood to be sinners, and in which the elect and only the elect are saved by grace, the Church should have more mercy for people who make vows out of enthusiasm and presumption, than is apparent in the Mosaic covenant. Such a vow may be to God, but it is also rightly understood to be made to some human proxy, some human standing up for God's interests, God's **preceptive will**, and God's **purposive will**. So the vow is a contract between humans operating under the jurisdiction of the same *religious social compact*. As such, any contract dispute arising out of such a contract would be tried within the *religious social compact*'s *ecclesiastical* court, using the ***property-interest model*** of contracts.

Negative *mitzvah* 156: This *mitzvah* arises out of Exodus 23:14-17 and Deuteronomy 16:16-17. These passages indicate that Israelite men are obligated to appear before the Lord at the sanctuary three times per year, with sacrifice in hand. — This is sacrificial ceremonial law that is abrogated under the Messianic covenant.

Negative *mitzvah* 157: This *mitzvah* arises out of Numbers 30:2 (30:3 in the *Tanakh*): "If a man vows a vow to the Lord, or swears on oath to bind himself by a pledge, he shall not break his word. He shall do according to all that proceeds out of his mouth." (**ESV**) The "vow to the Lord" part of this verse has already been covered, in negative *mitzvah* 155. This *mitzvah* applies to the clause, "swears an oath to bind himself by a pledge". The *mitzvah* is, "Not to infringe any oral obligation, even without an oath". — Like 155, this is not ceremonial law, but descriptive moral law. What is true of a vow to God when it involves a contract with one or more other humans, as described in the commentary on 155, is also true of a contract between humans that doesn't involve an overt vow to God. But if it doesn't involve an overt vow to God, then that opens the possibility that the contract is between people who are not necessarily party to the same *religious social compact*. So unlike 155, this *mitzvah* could entail recourse to a *secular ecclesiastical* court, which would adjudicate based on the ***title-transfer model*** of contracts instead of the ***property-interest model***.

Negative *mitzvoth* 158-162: These *mitzvoth* pertain to what women are eligible as mates for priests. *Mitzvah* 158 indicates that no priest is allowed to marry a "*zonah*". A *zonah* is a woman who is a non-Israelite, or an Israelite woman who has had intercourse when she shouldn't have. This commandment arises out of

Leviticus 21:7. Speaking of the "'priests, the sons of Aaron'", it says, "'They shall not marry a prostitute or a woman who has been defiled, neither shall they marry a woman divorced from her husband, for the priest is holy to his God.'" *Mitzvah* 159 is based on the same verse. It says that no priest is allowed to marry a *chalalah*, a "woman of impaired priestly status". *Mitzvah* 160 says that no priest is allowed to marry a divorcee. This prohibition also exists in Leviticus 21:7. Leviticus 21:14-15 indicates that the high priest is only allowed to marry "a virgin of his own people". This prohibition combined with the prohibition against fornication shows the basis for *mitzvoth* 161-162. — The fact that these are Levitical priests, and the Levitical priesthood is abrogated, shows why these *mitzvoth* are sacrificial ceremonial law that has been abrogated.

Negative *mitzvoth* 163-165: After Aaron's two sons died for bringing unauthorized fire before the Lord (Leviticus 10:1-3), Aaron and his remaining sons were prone to going into mourning. But Moses warned them, "'Do not let the hair of your heads hang loose, and do not tear your clothes … And do not go outside the entrance of the tent of meeting … for the anointing oil of the LORD is upon you'" (vv. 6-7). This is the basis for *mitzvoth* 163-165. The rabbis extrapolate this to apply to all subsequent priests. — The Levitical priesthood being abrogated, these *mitzvoth* are sacrificial ceremonial law that has been abrogated.

Negative *mitzvah* 166: This *mitzvah* states that the common Aaronic priest "may not defile himself for dead (except some)". Under the Mosaic covenant, touching a dead body made one unclean. Leviticus 21:1-3 is clear that priests were not to make themselves "unclean for the dead … except for his closest relatives" (v. 2). — This *mitzvah* is obviously abrogated as sacrificial ceremonial law.

Negative *mitzvoth* 167-168: "He shall not go in to any dead bodies" (Leviticus 21:11a; **ESV**) is understood to mean that the high priest should not even be under the same roof with a dead body (167). Unlike the common priests, there are no exceptions for the high priest in regard to the prohibition of priests defiling themselves for the unclean. The high priest is not to "make himself unclean, even for his father or his mother" (v. 11b; 168). — Again, these are sacrificial ceremonial laws that are abrogated.

Negative *mitzvoth* 169-170: These two *mitzvoth*, "Levites may not take a share of the land"; and "Levites may not share in the spoil on conquest of the land", both arise out of Deuteronomy 18:1. Because the Levitical priesthood is abrogated, their having "the LORD's food offerings as their inheritance", is also abrogated. These two *mitzvoth* are therefore also abrogated as sacrificial ceremonial law.

Negative *mitzvoth* 171: Deuteronomy 14:1 and Leviticus 21:5 say largely the same thing, except that Leviticus 21:5 is addressed specifically to "the priests,

the sons of Aaron", while Deuteronomy 14:1 is addressed more generally to the people of Israel. The gist of each is, "Not to tear out hair for the dead". — As a commandment addressed to the priesthood, this *mitzvah* is abrogated because the Aaronic priesthood is abrogated. As a commandment addressed to the people of Israel, this is descriptive moral law instead of ceremonial law. But it's not moral law aimed at either violating or supporting the Genesis 9:6 mandate. It therefore has no place within the immediate subject-matter jurisdiction of any lawful *secular social compact*. It is adiaphoristic or second-order doctrine under genuine Christian *religious social compacts*.

(e) Negative *Mitzvoth* 172-209 (Man's Duties to God) – "Prohibitions Affecting Food": This fourth subsection of the 365 negative *mitzvoth* consists of prohibitions that pertain to food.

172) Not to eat any unclean animal – Deut 14:7-8
173) Not to eat any unclean fish – Lev 11:11
174) Not to eat any unclean fowl – Lev 11:13
175) Not to eat any swarming winged insect – Deut 14:19
176) Not to eat anything which swarms on the earth – Lev 11:41
177) Not to eat any creeping thing that breeds in decayed matter – Lev 11:44
178) Not to eat living creatures that breed in seeds or fruit – Lev 11:42
179) Not to eat any swarming thing – Lev 11:43
180) Not to eat any animal which is a *nevelah*[1] – Deut 14:21
181) Not to eat an animal which is a *terefah*[2] – Ex 22:30
182) Not to eat a limb of a living animal – Deut 12:23
183) Not to eat the *gid hanasheh* (sinew of the thigh-vein) – Gen 32:33
184) Not to eat blood – Lev 19:26
185) Not to eat the fat of a clean animal – Lev 7:23
186) Not to cook meat in milk – Ex 23:19

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1 A *nevelah* is something that has died without human intervention.

2 *Terefah* is "flesh of an animal torn by a wild beast, or by a wild bird; or the flesh of any injured or diseased animal which, although ritually slaughtered, is known to be one which could not have lived more than a year; or flesh torn from a living clean beast." — Chavel, **The Commandments**, vol. 2, p. 178, fn 1.

Sub-Div (e) Negative *Mitzvoth* 172-209

187) Not to eat meat cooked in milk – Ex 34:26
188) Not to eat the flesh of a stoned ox – Ex 21:28
189) Not to eat bread made from grain of new crop – Lev 23:14
190) Not to eat roasted grain of the new crop – Lev 23:14
191) Not to eat fresh ears of grain – Lev 23:14
192) Not to eat *orlah*[1] – Lev 19:23
193) Not to eat *kilai hakerem*[2] – Deut 22:9
194) Not to drink *yain nesech* (libation wine for idol worship)[3] – Deut 32:38; Num 25:1
195) No eating or drinking to excess[4] – Lev 19:26
196) Not to eat on Yom Kippur[5] – Lev 23:29
197) Not to eat *chametz*[6] during *Pesach* – Ex 13:3
198) Not to eat an admixture of *chametz* on *Pesach* – Ex 12:20
199) Not to eat *chametz* after the middle of the fourteenth of *Nisan* – Deut 16:3
200) No *chametz* may be seen in our homes during *Pesach* – Ex 13:7
201) Not to possess *chametz* during *Pesach* – Ex 12:19; 13:7
202) A *Nazir*[7] may not drink wine – Num 6:3
203) A *Nazir* may not eat fresh grapes – Num 6:3

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1 *Orlah* is "the fruit of young trees during the first three years" — Chavel, **The Commandments**, vol. 2, p. 188.

2 *Kilai hakerem* is "a vineyard sown with different kinds of seed, such as grape-seeds sown with seeds of grain or vegetables" — Chavel, **The Commandments**, vol. 2, p. 188, fn 2.

3 There is not an explicit statement of this command in the *Torah*. It is evidently included in Maimonides' 613 *mitzvoth* by being derived through the Thirteen (Exegetical) Principles, and is also included by "the bearers of the Tradition" as "a Scriptural and not merely a Rabbinical prohibition." — Chavel, **The Commandments**, vol. 2, p. 126.

4 "The words are understood as meaning 'ye shall not eat in such a way as to bring on yourselves the punishment of death'."

5 "The Torah contains no express prohibition of this action; but it mentions the punishment, namely, that one who eats on that day is liable to extinction … consequently we know that eating on the Day of Atonement is prohibited." — Chavel, **The Commandments**, vol. 2, pp. 192-193.

6 Leaven.

7 Nazarite.

204) A *Nazir* may not eat dried grapes – Num 6:3
205) A *Nazir* may not eat grape kernels – Num 6:4
206) A *Nazir* may not eat grape husks – Num 6:4
207) A *Nazir* may not render himself *tameh* for the dead – Num 6:7
208) A *Nazir* may not render himself *tameh* by entering house with corpse – Num 6:6
209) A *Nazir* may not shave – Num 6:5

Negative *mitzvoth* 172-180: Leviticus 11:1-47 and Deuteronomy 14:1-21 are both passages that pertain to the distinction between creatures that are clean, and may be eaten, and creatures that are unclean, and may not be eaten. This distinction has already been addressed to some extent in positive *mitzvoth* 149-152. The commentary there generally applies here. These negative *mitzvoth* ban animals, fish, and fowl that are unclean (172-174); swarming creatures (175, 176, 179); creatures that breed in decayed matter, seeds, and fruit (177,178); and "any animal which is a *nevelah*" (180). A *nevelah* is "something that has died without human intervention. — These *mitzvoth* can either be taken as non-sacrificial ceremonial law or as descriptive moral law. If they are understood to be non-sacrificial ceremonial law, then they are adiaphoristic or second-order doctrine. If they are understood to be descriptive moral law, then it's obvious that they neither support nor violate the Genesis 9:6 mandate. Because they do not support Genesis 9:6, they should not be replicated in any *secular social compact*. Because they do not violate Genesis 9:6, they cannot be understood to be part of the dormancy. So it may or may not be prudent to replicate them in a genuine Christian *religious social compact*. In other words, the same conclusion is reached as if they were non-sacrificial ceremonial law: They are adiaphoristic or second-order doctrines.

Negative *mitzvah* 181: This *mitzvah*, "Not to eat an animal which is *terefah*", is taken from Exodus 22:31 (22:30 in the *Tanakh*). *Terefah* is "flesh of an animal torn by a wild beast". — Like *mitzvoth* 172-180, it is either non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine, or it is descriptive moral law that is adiaphoristic or second-order doctrine.

Negative *mitzvah* 182: This *mitzvah* is based on Deuteronomy 12:23: "Only be sure that you do not eat the blood, for the blood is the life, and you shall not eat the life with the flesh." This is obvious confirmation of Genesis 9:4, which is necessary for the proper interpretation of Genesis 9:6. Even so, the rabbis find this verse to be about, "Not to eat a limb of a living animal". It would certainly be cruel to eat an animal's limb while it was still alive. But someone genuinely committed to being both cruel and obedient to this verse might find a way to cut the limb off an animal,

keep the animal alive, drain the blood out of the limb, cook it, and eat it. It appears the rabbis are trying to cover that possibility with this *mitzvah*. Perhaps they were motivated into this **eisegesis** by Canaanites who actually ate limbs of living animals. — This is non-sacrificial ceremonial law or descriptive moral law that, either way, is adiaphoristic or second-order doctrine under the Messianic covenant.

Negative *mitzvah* 183: Genesis 32:32 (32:33 in the *Tanakh*) is part of the story of Jacob wrestling with God (vv. 22-32). It says, "Therefore to this day the people of Israel do not eat the sinew of the thigh that is on the hip socket, because he touched the socket of Jacob's hip on the sinew of the thigh." (**ESV**) Genesis 32:32 is historical narrative that's chronologically between the Abrahamic covenant and the Mosaic covenant. It therefore does not originate in the Mosaic covenant. Even though this *mitzvah* doesn't originate in the Mosaic covenant, its existence nevertheless acts as confirmation of a proposition that is crucial to this chronological **exegesis**, namely, that each biblical covenant is a set of appendments and amendments to the pre-existing covenant. This *mitzvah* is an example of how some of those appendments and amendments arise. This historical narrative in Genesis 32:32 is like case law whose existence contributes to the creation of a new term in the subsequent covenant. — This is non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine.

Negative *mitzvah* 184: This *mitzvah* is, "Not to eat blood". It arises out of Leviticus 19:26a: "You shall not eat any flesh with the blood in it." (**ESV**) This is a statement in negative terms of what has been stated clearly in positive *mitzvoth* 146-147. — This *mitzvah* can be understood to be either non-sacrificial ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. Either way, it is adiaphoristic or second-order doctrine.

Negative *mitzvah* 185: This *mitzvah* is "Not to eat the fat of a clean animal". It arises out of Leviticus 7:23. — This *mitzvah* can be understood to be either non-sacrificial ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. Either way, it is adiaphoristic or second-order doctrine.

Negative *mitzvoth* 186-187: *Mitzvah* 186 arises out of Exodus 23:19b, which prohibits boiling a young goat in its mother's milk. The *mitzvah* generalizes this prohibition to any clean animal. *Mitzvah* 187 arises out of Exodus 34:26b, whose verbiage is practically identical to 23:19b. But Maimonides uses 34:26b to not merely generalize to clean animals, but also to include the prohibition of eating the meat of an animal cooked in its mother's milk. — Although the thought of eating the meat of an animal cooked in its mother's milk may be repugnant, these *mitzvoth* are non-sacrificial ceremonial laws, or descriptive moral laws that neither support nor violate Genesis 9:6. They are therefore adiaphoristic, or second-order doctrines.

Negative *mitzvah* 188: This *mitzvah* is "not to eat the flesh of a stoned ox". It arises out of Exodus 21:28a: "When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten" (**ESV**). This *mitzvah* is either non-sacrificial ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. Either way, it is adiaphoristic or second-order doctrine.

Negative *mitzvoth* 189-191: These three *mitzvoth* arise out of Leviticus 23:9-14, which is about the Feast of Firstfruits. Verse 14 states, "And you shall eat neither bread nor grain parched or fresh until this same day, until you have brought the offering of your God" (**ESV**). The "day" mentioned is "the day after the Sabbath" during the Feast of Firstfruits. — If one understands that the offerings are abrogated, because they are consummated in the single offering of the Messiah, then the Feast of Firstfruits, without the offerings, can be understood to be non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine. That being the case, the *mitzvoth* to "Not eat grain of bread made from grain of new crop" (189); "Not eat roasted grain of the new crop" (190); and "Not eat fresh ears of grain" (191), also become adiaphoristic or second-order doctrine.

Negative *mitzvah* 192: This *mitzvah* is "Not to eat *orlah*". *Orlah* is "the fruit of young trees during the first three years". This *mitzvah* arises out of Leviticus 19:23: "When you come into the land and plant any kind of tree for food, then you shall regard its fruit as forbidden." (**ESV**) — This is clearly non-sacrificial ceremonial law. As such, it is adiaphoristic or second-order doctrine.

Negative *mitzvah* 193: This *mitzvah* is "Not to eat *kilai hakerem*". *Kilai hakerem* is "a vineyard sown with different kinds of seed, such as grape-seeds sown with seeds of grain or vegetables". This *mitzvah* arises out of Deuteronomy 22:9: "You shall not sow your vineyard with two kinds of seed" (**ESV**). — This is either non-sacrificial ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. Either way, it is adiaphoristic or second-order doctrine.

Negative *mitzvah* 194: This *mitzvah* is "Not to drink *yain nesech* (libation wine for idol worship". It does not arise rigorously out of any part of the *Torah*, although Deuteronomy 32:38 and Numbers 25:1 are cited by Maimonides / Chavel. Deuteronomy 32:1-43 is a song, part of which scoffs at idols and idol worshippers, the Lord saying, "Now where are their gods, the rock they took refuge in, the gods who ate the fat of their sacrifices and drank the wine of their drink offering? Let them rise up and help you!" (vv. 37-38; **ESV**). Numbers 25 1-9 is the story of how many Israelites indulged in Moabite idol worship, with dire consequences. Neither passage explicitly prohibits drinking wine that has been dedicated to idols. There's no doubt that doing so could be seen as setting a terrible example for others. But it's important to remember that the Apostle Paul has commented on similar

circumstances in 1Corinthians 8. He indicates there that eating food sacrificed to idols is adiaphoristic, but with a strong warning to avoid setting a bad example for the weak minded. — This is descriptive moral law that neither supports nor violates Genesis 9:6. It is therefore adiaphoristic or second-order doctrine.

Negative *mitzvah* 195: This *mitzvah*, "Not eating or drinking to excess", is based by Maimonides on Leviticus 19:26a: "You shall not eat any flesh with the blood in it" (**ESV**). Although it's certainly wise to avoid eating and drinking to excess, it's a serious case of **eisegesis** to claim that this *mitzvah* arises out of this clause in Scripture. Nevertheless, because the *mitzvah* is obviously prudent, no harm can come from overlooking the **eisegesis** in this context. — This is descriptive moral law. It neither supports Genesis 9:6 nor violates it. Although it is obviously wisdom, transforming something from wisdom into human law is generally hazardous and often unwise. So this *mitzvah* can be understood to be adiaphoristic and second-order doctrine.

Negative *mitzvah* 196: This *mitzvah* is "not to eat on Yom Kippur". It arises out of Leviticus 23:29. That verse indicates that whatever Israelite doesn't fast on *Yom Kippur* is to be extincted, cut off. Even though this verse isn't stated as a prohibition of eating on the Day of Atonement, it's reasonable to see the failure to fast as a necessary condition for the severe penalty. — As stated in the examination of positive *mitzvoth* 164-165, this holy day, more than any other, should be abrogated in its entirety because it foreshadows the atonement offered by Jesus Christ for the salvation of His elect. But with it understood that the offerings necessarily cease because the final offering has been made, it's possible to consider observance of offering-less *Yom Kippur* as non-sacrificial ceremonial law.[1] Under these conditions, it is adiaphoristic or second-order doctrine to genuine Christians. If it's merely adiaphoristic then there shouldn't be any need for genuine Christians to cut one another off about fasting or not on *Yom Kippur*. If it's second-order doctrine, then a genuine Christian *religious social compact* might have a rule mandating fasting on this day, and punishing people who don't fast with expulsion from the community.

Negative *mitzvoth* 197-201: These five negative *mitzvoth* prohibit eating or possessing leaven during Passover. If it's understood that all offerings, the sanctuary, the Levitical priesthood, *etc.*, are abrogated under the Messianic covenant, then *Pesach* and the other Mosaic holy days could be considered non-sacrificial ceremonial law. Under these conditions, these holidays could continue under the auspices of a genuine Christian *religious social compact* that had some commitment to Jewish

1 Actually, it's not offering-less. Christ is the offering, made once in perpetuity.

ethnicity. Under these conditions the ban on eating or possessing leaven during *Pesach* would be adiaphoristic or second-order doctrine.

Negative *mitzvoth* 202-209: Each of these eight *mitzvoth* pertains to the Nazarite vow described in Numbers 6:1-21. Positive *mitzvoth* 92-93 have already addressed this to some extent. The conclusion there is that to the extent that the Nazarite vow is dependent upon offerings and sacrifices, it is abrogated. But to whatever extent it is not dependent upon those things, it is non-sacrificial ceremonial law that is adiaphoristic. This is the same conclusion reached here about these eight prohibitions. To the extent that the Narazite vow lawfully continues as adiaphora, each of these prohibitions voluntarily accepted by the Nazarite is adiaphora.

(f) Negative *Mitzvoth* 210-228 (Man's Duties to God) – "Cultivation of the Land": This fifth subsection of the 365 negative *mitzvoth* consists of prohibitions that pertain to agricultural practices. It's significant that Maimonides classifies these as man's duties to God, because it shows that he believed that they tend to be ceremonial.

210) Not to reap all harvest without leaving a corner for the poor – Lev 19:9

211) Not to gather ears of corn that fell during harvesting – Lev 19:9

212) Not to gather the whole produce of vineyard at vintage time – Lev 19:10 (See Positive Commandment 123.)

213) Not to gather single fallen grapes during the harvest – Lev 19:10 (See Positive Commandment 124.)

214) Not to return for a forgotten sheaf – Deut 24:19 (See Positive Commandment 122.)

215) Not to sow *kilayim*[1] – Lev 19:19

216) Not to sow grain or vegetables in a vineyard – Deut 22:9; Lev 19:19

217) Not to mate animals of different species – Lev 19:19

218) Not to work with two different kinds of animals together – Deut 22:10

219) Not preventing a beast from eating the produce where working – Deut 25:4

220) Not to cultivate the soil in the seventh year – Lev 25:4

1 Diverse kinds of seed in one field.

Sub-Div (f) Negative *Mitzvoth* 210-228

221) Not to prune the trees in the seventh year – Lev 25:4

222) Not reap a self-grown plant in the 7th year as in ordinary year – Lev 25:5

223) Not gather self-grown fruit in the 7th year as in ordinary year – Lev 25:5

224) Not to cultivate the soil in the Jubilee year – Lev 25:11

225) Not to reap the aftergrowths of Jubilee year as in ordinary year – Lev 25:11

226) Not to gather fruit in Jubilee year as in ordinary year – Lev 25:11

227) Not to sell out holdings in *Eretz Yisrael*[1] in perpetuity – Lev 25:23

228) Not to sell the open lands of the Levites (Num 35:2-5) – Lev 25:34

Negative *mitzvoth* 210-214: These *mitzvoth* can be understood to be corollaries to positive *mitzvoth* 120-124. The commentary there applies here also. Negative *mitzvoth* 210-213 each arise out of Leviticus 19:9-10. The emphasis there is on leaving the corners and edges of a field and the fallen grapes of a vineyard for the poor to glean. The same is true of the forgotten sheaves of Deuteronomy 24:19. They are a form of generosity to the poor. — These *mitzvoth* can be understood to be non-sacrificial ceremonial law that is adiaphoristic or second-order doctrine under the Messianic covenant. It can also be understood to be descriptive moral law that neither supports nor violates the Genesis 9:6 mandate. As such, it has no place within the immediate jurisdiction of any *secular social compact*, but it is adiaphoristic or second-order doctrine to genuine Christian *religious social compacts*.

Negative *mitzvoth* 215-217: Each of these *mitzvoth* arises out of Leviticus 19:19. Deuteronomy 22:9 confirms 216. They are, (215)not to sow diverse kinds of seed in a field; (216)"Not to sow grain or vegetables in a vineyard"; and (217)"Not to mate animals of different species". — Each of these is either non-sacrificial ceremonial law or descriptive moral law. They neither support nor violate Genesis 9:6. They therefore have no place under the immediate jurisdiction of a *secular social compact*, and they are adiaphoristic and/or second-order doctrines under a genuine Christian *religious social compact*.

Negative *mitzvah* 218: This *mitzvah* arises out of Deuteronomy 22:10: "Not to work with two different kinds of animals together". — This is either non-sacrificial

1 The land of Israel.

ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. It is adiaphoristic or second-order doctrine within genuine Christian *religious social compacts*.

Negative *mitzvah* 219: Deuteronomy 25:4 says, "'You shall not muzzle an ox when it is treading out the grain." (**ESV**) The rabbis interpret this into, "Not preventing a beast from eating the produce where working". — This is descriptive moral law that neither supports nor violates Genesis 9:6, and that has nothing to do with *secular social compacts*. It is therefore adiaphoristic and/or second-order doctrine for genuine Christian *religious social compacts*.

Negative *mitzvoth* 220-223: These four *mitzvoth* arise out of Leviticus 25:1-7, which pertain to allowing the land to rest during the Sabbath year. They are, (220) not to cultivate the soil, (221)not to prune the trees, (222)not to reap self-grown plants as usual, and (223)not to gather self-grown fruit as usual, during the seventh year. — These can be understood to be either non-sacrificial ceremonial laws or descriptive moral laws that neither support nor violate Genesis 9:6. These *mitzvoth* are outside the purview of every lawful *secular social compact*, and are adiaphoristic or second-order doctrine to genuine Christian *religious social compacts*.

Negative *mitzvoth* 224-226: These three *mitzvoth* are to the year of jubilee what 220-223 are to the Sabbath year. They are, (224)not to cultivate the soil, (225) not to harvest plants that volunteer, and (226)not to gather fruit as usual, during the year of jubilee. — Like *mitzvoth* 220-223, these can be understood to be either non-sacrificial ceremonial laws or descriptive moral laws that neither support nor violate Genesis 9:6. They are outside the purview of the lawful *secular social compact*, and adiaphoristic or second-order doctrines to genuine Christian *religious social compacts*.

Negative *mitzvah* 227: This *mitzvah* is to not sell land in Israel in perpetuity, because, "in all the country you possess, you shall allow a redemption of the land" (Leviticus 25:23-24). If a landowner sells land, and doesn't have enough money to buy it back, then when the year of jubilee arrives, the ownership reverts to the original owner (v. 28). — This can be taken as either non-sacrificial ceremonial law or descriptive moral law that neither supports nor violates Genesis 9:6. As such, it is outside the purview of any *secular social compact* and adiaphora or second-order doctrine to any genuine Christian *religious social compact*.

Negative *mitzvah* 228: This *mitzvah* is, "Not to sell the open lands of the Levites (Num 35:2-5)". Numbers 35:2-5 describes how a circumference of pastureland was to exist around every Levite city. Leviticus 25:34 indicates that that land was never to be sold. — This is either non-sacrificial ceremonial law or descriptive moral law that doesn't support or violate Genesis 9:6. It is outside the purview of every lawful

secular social compact, and adiaphora or second-order doctrine to genuine Christian *religious social compacts*.

(g) Negative *Mitzvoth* 229-270 (Man's Duties to Man) – "Our Duties Towards Our Fellow Men, Towards the Poor and Towards Employees": This is the first of the categories of negative *mitzvoth* devoted to man's duties to man.

229) Not to forsake the Levites – Deut 12:19

230) Not to demand payment of debts after Sabbatical year – Deut 15:2 (See Positive Commandment 141.)

231) Not to withhold a loan to be canceled by the Sabbatical year – Deut 15:9

232) Failing to give charity to our needy brethren – Deut 15:7

233) Not sending a Hebrew bondman away empty-handed – Deut 15:13 (See Positive Commandment 196.)

234) Not demanding payment from a debtor known unable to pay – Ex 22:24

235) Not lending at interest – Lev 25:37

236) Not borrowing at interest – Deut 23:20

237) Not participating in a loan at interest – Ex 22:24; Lev 19:14 (See Negative Commandment 235.)

238) Not oppressing an employee by delaying payment of his wages – Lev 19:13

239) Not taking a pledge[1] from a debtor by force – Deut 24:10 (See Positive Commandment 199.)

240) Not keeping a needed pledge from its owner – Deut 24:12-13

241) Not taking a pledge from a widow – Deut 24:17

242) Not taking food utensils in pledge – Deut 24:6

243) Not abducting an Israelite – Ex 20:15 ("Thou shalt not steal."); Ex 21:16

244) Not stealing money – Lev 19:11

245) Not committing robbery – Lev 19:13 (See Positive Commandment 194.)

246) Not fraudulently altering land boundaries – Deut 19:14

247) Not usurping our debts – Lev 19:13

1 Something held in security or guaranty.

248) Not repudiating our debts – Lev 19:11

249) Not to swear falsely in repudiating our debts – Lev 19:11

250) Not wronging one another in business – Lev 25:14

251) Not wronging one another by speech – Lev 25:17

252) Not wronging a proselyte by speech – Ex 22:20

253) Not wronging a proselyte in business – Ex 22:20

254) Not handing over a fugitive bondman – Deut 23:16

255) Not wronging a fugitive bondman – Deut 23:17

256) Not dealing harshly with fatherless children and widows – Ex 22:21; 22:23

257) Not employing a Hebrew bondman in degrading tasks – Lev 25:39

258) Not selling a Hebrew bondman by public auction – Lev 25:42

259) Not having a Hebrew bondman do unnecessary work – Lev 25:43

260) Not allowing a heathen to mistreat a Hebrew bondman – Lev 25:53

261) Not selling a Hebrew bondmaid – Ex 21:8

262) Not to afflict one's espoused Hebrew bondmaid – Ex 21:8

263) Not selling a captive woman – Deut 21:14

264) Not enslaving a captive woman – Deut 21:14

265) Not planning to acquire someone else's property – Ex 22:14

266) Not coveting another's belongings[1] – Deut 5:18

267) A hired laborer not eating growing crops – Deut 23:26

268) A hired laborer not consuming excessively – Deut 23:25

269) Not ignoring lost property – Deut 22:3 (See Positive Commandment 204.)

270) Not leaving a person who is trapped under his burden – Ex 23:5 (See Positive Commandment 202.)

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1 "These two Negative Commandments (265 & 266) do not relate to one and the same subject. The first, *Thou shalt not covet*, prohibits the actual acquisition of what belongs to another; the second forbids us even to desire and covet it." — Chavel, **The Commandments**, vol. 2, p. 251.

Negative *Mitzvoth* 229-270

Negative *mitzvah* 229: This *mitzvah*, "Not to forsake the Levites", arises out of Deuteronomy 12:19: "Be careful that you do not forsake the Levite as long as you live on your land." (**NASB**) The Levites, as a tribe of Israel, are not abrogated under the Messianic covenant any more than the tribe of Judah is abrogated. But the Levitical priesthood is abrogated. To whatever extent the Levites existed to officiate over offerings and sacrifices at the temple, they are abrogated. It's hard to speak of this without acknowledging the distinction between priests, which included only Aaron (who was a Levite) and his descendants, and Levites not descended from Aaron, *i.e.*, non-priests. Because the Aaronic priesthood was almost entirely dedicated to offerings, their priesthood is abrogated. It's probable that Levites within the forty-eight cities of the Levites also served as judges, especially in the cities of refuge.[1] The Levites who were not priests also had non-priestly support roles in the maintenance of the sanctuary. — The function of the Levites is partially ceremonial and partially non-ceremonial. The ceremonial functions are partially sacrificial and partially non-sacrificial. This *mitzvah* to not forsake the Levites is abrogated to the extent that their existence in the Mosaic community was to offer sacrifices and to maintain the sanctuary and its accoutrements. To the extent that their function in the Mosaic community was a product of non-sacrificial ceremonial law, having no relation at all to the sanctuary and the sacrifices, this *mitzvah* might not be abrogated, but might be adiaphoristic or second-order doctrine. To the extent that the Levites had a judicial function within the Mosaic community, this *mitzvah* is descriptive moral law that partially supports the Genesis 9:6 mandate, but doesn't violate it. Use of Levites as judges under the Mosaic covenant is a religious decision that is not a function of the *secular religion*, but only of the Mosaic *religious social compact*. As such, as judges, this *mitzvah* is again adiaphoristic or second-order doctrine.

Negative *mitzvoth* 230-232: As already addressed in positive *mitzvah* 141, observance of the Sabbatical year demands the release of all debts. Negative *mitzvah* 230 essentially echoes Deuteronomy 15:26: "He [(the creditor)] shall not exact it [(the debt)] from his neighbor" (**ESV**). *Mitzvah* 231 prohibits a creditor from withholding a loan to a poor man because it would be cancelled in whole or in part by the arrival of the Sabbatical year. *Mitzvah* 232, which also arises out of Deuteronomy 15's description of the Sabbatical year, is an admonition to not be stingy, but to lend to the needy neighbor. — To the extent that these *mitzvoth* are dependent upon the existence of the Sabbatical year, they are ceremonial law, but they do not involve offerings and sacrifices to God. They are therefore non-sacrificial ceremonial law that is adiaphora or second-order doctrine. To the extent that these *mitzvoth* are independent of the existence of the Sabbatical year, they are descriptive

1 See positive *mitzvah* 183.

moral law that neither supports nor violates the Genesis 9:6 mandate. Under such circumstances, these are outside the purview of any lawful *secular social compact*, and are adiaphoristic or second-order doctrines to any genuine Christian *religious social compact*.

Negative *mitzvah* 233: This is mostly a restatement in negative terms of positive *mitzvah* 196, which is also based on Deuteronomy 15:12-18. — This is descriptive moral law and not ceremonial law. It neither supports nor violates Genesis 9:6. It is therefore adiaphoristic and second-order doctrine. Because slave contracts are unenforceable under lawful *secular social compacts*, they can only exist and be enforceable under *religious social compacts*. A genuine Christian *religious social compact* might allow some kind of indentured servitude, and if it did, this generosity by the master toward the newly freed person would be a practically necessary sign of termination of the contract. Perpetual slavery, as indicated in verse 17, would be so repugnant to any lawful *secular social compact*, that it would demand intervention in those religious practices.

Negative *mitzvoth* 234-237: These *mitzvoth* are, (234)"Not demanding payment from a debtor known unable to pay"; (235)"Not lending at interest"; (236)"Not borrowing at interest"; and (237)"Not participating in a loan at interest". Each of these pertains to circumstances in which both the lender and the borrower are Israelites. So each of these *mitzvoth* pertains to contracts that are executed under the auspices of the Mosaic *religious social compact*. So these are not intended to be executed under the immediate jurisdiction of the Noachian covenant or a *secular social compact*. — These are not ceremonial law. They are descriptive moral law. They neither support nor violate the Genesis 9:6 mandate. Of course these *mitzvoth* should never be replicated in *secular social compacts*. They are adiaphoristic or second-order doctrines in genuine Christian *religious social compacts*.

Negative *mitzvah* 238: This *mitzvah* is, "Not oppressing an employee by delaying payment of his wages". This is based on Leviticus 19:13b: "The wages of a hired worker shall not remain with you all night until morning." (**ESV**) There is no sure indication that the hired worker is either a fellow party to the Mosaic covenant or not. So it's necessary to conclude that the hired worker might be a covenant outsider. — This is certainly not ceremonial law, and is therefore certainly descriptive moral law. It pertains to fair dealing under an employment contract that might be *secular* and might be *religious*. But either way, it offers no immediate support or violation for the Genesis 9:6 mandate. It may exist in a category of best practices, but it doesn't deserve elevation to the standard of globally enforceable law. At some point in time, the employer who withholds wages is liable to the accusation of stealing valuable labor from his/her employee. When that threshold

is passed, then it becomes globally enforceable law under the *secular religion*. What that threshold is in any given community probably needs to be determined on a case-by-case basis in the *secular* arena. In the Mosaic community, the threshold is clearly less than 24 hours. This is adiaphoristic to genuine Christian *religious social compacts*.

Negative *mitzvoth* 239-242: These *mitzvoth* pertain to loan contracts, specifically, to pledges, also known as security or guaranty. *Mitzvah* 239 is essentially a restatement of positive *mitzvah* 199 in negative terms; so what is said there pertains here. These *mitzvoth* are essentially guidelines for securities. — These are not ceremonial law and are therefore descriptive moral law. By themselves, they neither support nor violate Genesis 9:6. So they are outside the purview of the lawful *secular social compact*. They are adiaphoristic or second-order doctrine to genuine Christian *religious social compacts*.

Negative *mitzvoth* 243-246: One of the ten commandments being, "'You shall not steal'" (Exodus 20:15; Exodus 20:12c in the *Tanakh*), it makes sense that stealing a human being would also be forbidden. So the *mitzvah*, "Not abducting an Israelite" (243; Exodus 21:16), is a logical subset of the theft plank of the ten commandments. The same is true of stealing money (244; Leviticus 19:11); robbery (already addressed at positive *mitzvah* 194; negative *mitzvah* 245; Leviticus 19:13); and real property fraud (246; Deuteronomy 19:14). These various kinds of theft are accompanied by various penalties, the only one mentioned explicitly being death for abduction of an Israelite. — These *mitzvoth* are obviously not ceremonial law. They are each descriptive moral law. Each most emphatically aims directly to support the natural rights acknowledged and supported by the global covenant. So each of these *mitzvoth* enforces the *secular religion*, even though it aims at doing so within the confines of the Bible's local covenants. Each has its subject-matter origins within the Noachian covenant. Even though negative *mitzvah* 243 is the only one of these four that has an explicitly-mentioned penalty, it's certain that the other three were also penalized under the Mosaic covenant. Is any one of these four penalties so harsh that it defies the life-for-life proportionality implicit in Genesis 9:6? There may be some controversy about whether death is a lawful penalty for kidnapping, but there is certainly a possibility that death is a lawful penalty for kidnapping under the life-for-life proportionality. It's probably lawful for modern *jural societies* to emulate both the *mitzvah* and the penalty in the case of each of these *mitzvoth*.

Negative *mitzvoth* 247-249: Leviticus 19:13a says, "'You shall not oppress your neighbor or rob him.'" (**ESV**) The rabbis interpret this into the *mitzvah*, "Not usurping our debts" (247). To seize another's property is essentially theft. When it's done under the pretense of some debt instrument, that may appear to shift

adjudication of the incipient conflict from a *jural* court to an *ecclesiastical* (strictly) court, but that shift may depend upon how overt the fraud is. If the violation of the loan contract results from an honest inability to pay, then the case probably belongs in an *ecclesiastical* court. If the violation results from an express, dishonest, and malicious refusal to pay, then that's probably fraud, in which case it belongs in a *jural* court. The fact that *mitzvah* 247 arises out of Leviticus 19:13a, which clearly applies to oppressing a creditor, indicates that the *mitzvah* is addressed more to *jural* cases than to *ecclesiastical* (strictly) cases. This same line of reasoning applies to both *mitzvah* 248 and *mitzvah* 249, both of which arise out of Leviticus 19:11, "'You shall not steal; you shall not deal falsely; you shall not lie to one another.'" (**ESV**) These latter two *mitzvoth* pertain to stealing, dealing falsely, and lying, as they pertain to debt contracts. — These are certainly not ceremonial law, but are certainly descriptive moral law. Regardless of whether these *mitzvoth* are understood to be primarily *jural* or *ecclesiastical*, they aim directly to support the natural rights acknowledged and supported by the global covenant. So these *mitzvoth* enforce the *secular religion* under the jurisdiction of the Mosaic covenant, and have their origins in the Noachian covenant. It's certain that the rabbis intended for these *mitzvoth* to be enforced as human law. But explicit penalties are not mentioned within the immediate context of the pertinent passages. What the penalties are is therefore an interpretational issue that demands more detailed examination than this cursory examination is intended to provide. So whether the penalties are too harsh or not is an issue this booklet will leave for the reader to research on his/her own. If they are not too harsh, then modern jural societies and ecclesiastical societies (in the narrow sense) can emulate both the law and the penalty. If they are too harsh, then the laws should be emulated, but the penalties not.

Negative *mitzvoth* 250-253: These four *mitzvoth* pertain to not wronging fellow Israelites and proselytes in business (250 and 253), and not wronging fellow Israelites and proselytes in speech (251 and 252). Leviticus 25:14 is clearly addressed to Israelites, about buying and selling between Israelites. It says, "'you shall not wrong one another'" (**ESV**; 250). Leviticus 25:17a reiterates that, "'You shall not wrong one another'" (**ESV**; 251); but the rabbis interpret this latter occurrence (verse 17), to mean that people should particularly not wrong one another in speech. Verse 17 certainly encompasses wrong in speech, but it is not confined to that. Nevertheless, the rabbis may be right in interpreting this clause as containing multiple *mitzvoth*, one for business, one for speech, and many others for other things. *Mitzvoth* 252 and 253 both arise out of Exodus 22:21a (22:20a in the *Tanakh*): "'You shall not wrong a stranger or oppress him'" (**ESV**). The rabbis obviously interpret a "stranger" living in the midst of Israel as being a proselyte, a convert from some "heathen" religion. Because such a person is a convert, he/she must be assumed to be a genuine

Israelite, and should be treated as such, and not wronged. — These four *mitzvoth* revolve around the concept of wronging another Israelite. As clearly indicated in the above Genesis 9:6 encampment, "wronging" encompasses both acts within the subject-matter jurisdiction of the *secular religion* and acts outside that subject matter. Buying and selling, business, generally applies to contracts that can be adjudicated within *secular ecclesiastical* courts, which must confine themselves to using the ***title-transfer theory*** of contracts, but if the given contract is between people party to the same *religious social compact*, then they would naturally adjudicate any dispute arising out of the contract within their *religious ecclesiastical* court, which would use the ***property-interest model*** of contracts. On the other hand, if the said "wronging" does not arise out of a contract, then it might constitute a *secularly* recognizable *delict*, and it might not. If it does, then it could be adjudicated in a *jural* court, under the auspices of either a *secular social compact* or a *religious social compact*. If it does not constitute a *secularly* recognizable *delict*, and it if is between parties to the same *religious social compact*, then if the wrong gets adjudicated at all, it should be within their mutual *religious social compact*'s *ecclesiastical* court, as an infraction against their mutually held *religious social compact*. With all these conditions understood, it's obvious that these *mitzvoth* are descriptive moral law and not ceremonial law.

Negative *mitzvoth* 254-255: These two *mitzvoth*, "Not handing over a fugitive bondman" and "Not wronging a fugitive bondman", arise out of Deuteronomy 23:15-16 (vv. 16-17 in the *Tanakh*). Given that slavery is banned under the *secular religion*, this may appear to have little relevance for the present age. On the other hand, some cultures in the modern age continue to practice slavery. These *mitzvoth* become relevant to the cause of refugees trying to escape such cultures. — This is certainly not ceremonial law, and is certainly descriptive moral law. These do not support the global covenant's natural rights by enforcing against perpetrators. But they do support the global covenant's natural rights by offering solace to victims. Neither the *negative-duty clause* nor the *positive-duty clause* encompasses them. They are based more on the general recognition that all people bear the *imago Dei*. So such mercy has no place within the immediate jurisdiction of a lawful *secular social compact*, although "wronging" carries all the complexities just mentioned in regard to *mitzvoth* 250-253. On the other hand, such mercy certainly deserves replication within every genuine Christian *religious social compact*.

Negative *mitzvah* 256: Exodus 22:22-24 (vv. 21-23 in the *Tanakh*) clearly indicates that Israelites are not to deal "harshly with fatherless children and widows". Dealing harshly is much like "wronging" in *mitzvoth* 250-253, in that it might or might not constitute a *delict*. Either way, it is certainly not ceremonial law, and is certainly descriptive moral law. To the extent that this prohibition prohibits the

perpetration of *delicts* against widows and fatherless children, it is articulation of the *negative-duty clause* as it pertains to widows and fatherless children. Under such circumstances, this law aims to enforce the *secular religion* under the jurisdiction of the Mosaic covenant, and has its origins in the Noachian covenant. To the extent that this law prohibits *delicts*, it's safe to assume that the Mosaic covenant enforces the prohibition as human law. This is confirmed by the fact that God states, in verses 23 and 24, "'If you mistreat them, and they cry out to me, I will surely hear their cry, and my wrath will burn, and I will kill you with the sword, and your wives will become widows and your children fatherless.'" (**ESV**) This shows that God's wrath, perceived by humans as the moral-law leg of the natural-law tripod, stands against dealing harshly with widows and fatherless children regardless of whether such harsh dealing is perceived by humans to be *delictual* or not. The mention of "the sword" indicates that human law is involved, and that humans should be diligent in executing justice against perpetrators whenever harsh dealing crosses over into clearly *delictual* behavior. Because the *delictual* aspect of dealing harshly harkens back to the Noachian covenant, and because the human-law remedy is not mentioned in this passage, beyond mention of "the sword", it's important to recognize that such *delictual* harsh dealing deserves proportional response from a *jural society* regardless of whether the *jural society* functions under the auspices of a *secular social compact* or a *religious social compact*. If such harsh dealing does not cross the threshold into *delictual* behavior, then it should be addressed with care for widows and fatherless children under any genuine Christian *religious social compact*.

Negative *mitzvoth* 257-260: These four *mitzvoth* pertain to the treatment of the "Hebrew bondman". Because God had liberated the Israelites from Egyptian slavery, He made specific provisions to keep His people, as individuals, from becoming slaves again. For example, the Hebrew bondman went free in the year of Jubilee, which is not true of heathen slaves. These four *mitzvoth* mark other distinctions between the Hebrew bondman and the ordinary slave owned by an Israelite. — These are obviously descriptive moral law and not ceremonial law. Because slave contracts are unenforceable under the immediate jurisdiction of lawful *secular social compacts*, and are inherently *delictual* under the *secular religion*, these four *mitzvoth* may appear to be completely abrogated. But various religions, perhaps even including genuine Christian *religious social compacts*, may find indentured servitude contracts viable and appropriate within the strict confines of their *religious social compact*, as part of a kind of discipleship program. These four *mitzvoth* do not aim to support the natural rights of people in general, but only the privileges of parties to the Mosaic covenant. Because slavery was the norm in those days, these *mitzvoth* are a function of the Genesis 9:6 dormancy. Because they oppose Genesis 9:6, they are abrogated for both *secular* and *religious social compacts*. This is true in spite of the fact that strictly

voluntary slave contracts could be allowable within *religious social compacts*, as long as they remained strictly voluntary and therefore beyond investigation by *secular social compacts*.

Negative *mitzvoth* 261-262: These two *mitzvoth* arise out of Exodus 21:7-11. They are about the "Hebrew bondmaid". What has been said in regard to *mitzvoth* 257-260, about the "Hebrew bondman", generally applies to the Hebrew bondmaid as well.

Negative *mitzvoth* 263-264: These two *mitzvoth* arise out of Deuteronomy 21:10-14. This passage describes a situation in which Israelites have conquered an enemy, not of the seven nations, in war, and in which an Israelite takes a woman captive from among these conquered people, for the sake of making her his wife. If, after making her his wife, the Israelite decides that he no longer wants her, then he cannot sell her as a slave (263) or make her his slave (264). Under such circumstances, he is constrained to let her go. — If someone is guilty of perpetrating one or more *delicts*, then forced labor for a time might be an appropriate penalty. But forcing an entire conquered nation into forced servitude, even if the conquerors have defeated the conquered in what to the conquerors is a just war, is outside the scope of this just punishment for *delictual* behavior. The conquerors in a just war are justified in putting the conquered population into forced labor only to the extent that it's necessary to enforce the conquest. Likewise, forcing a captive woman into being a spouse is outside the scope of such just punishment. If she ceased to be captive, and then became a spouse, then that would change the circumstances entirely. This *mitzvah* is descriptive moral law that is inherently a function of the Genesis 9:6 dormancy. It is a mandate to Mosaic mercy under the circumstances of such dormancy. Although the moral law undergirding this *mitzvah* is not abrogated, because the *mitzvah* depends on the existence of the dormancy, the *mitzvah* is abrogated under both *secular* and *religious social compacts*.

Negative *mitzvoth* 265-266: These two *mitzvoth* again demand a distinction between a mental or physical act that does not cross the threshold into *delictual* behavior, from a mental or physical act that does cross that threshold. The type of act in the case of these two *mitzvoth* pertains to covetousness. What has been said above about this kind of threshold, regarding "wronging" (250-253) and "dealing harshly) (256), applies here. Following the same logic leads to similar conclusions.

Negative *mitzvoth* 267-268: Deuteronomy 23:24-25 (vv. 25-26 in the *Tanakh*) make allowances for Israelites to eat out of their neighbor's vineyards and grain fields. But these verses specifically prohibit doing that to excess. *Mitzvah* 268, "A hired laborer not consuming excessively", certainly conforms to that prohibition. But *mitzvah* 267, "A hired laborer not eating growing crops", doesn't appear to arise

rationally out of these two verses. Because that's the case, it's necessary to treat *mitzvah* 267 as rabbinical **eisegesis**. Nevertheless, it's necessary to understand these two verses within the context of the Bible's basic jurisdictional principles. — If the Mosaic covenant, as a *religious social compact*, stipulates that parties to that covenant are allowed to eat from a neighbor's crops what one can put into one's hands (but not stowing in a bag or pocket or whatever), and the Mosaic covenant is otherwise lawful, then those are legitimate terms of the covenant. But under immediate jurisdiction of the global covenant, such pilfering from someone else's crops is theft, and is punishable as such, proportional to the damage. The Mosaic covenant clearly makes allowance for such pilfering, and then constrains it to only what one can carry in bare hands. This is clearly descriptive moral law and not ceremonial law. The allowance / constraint do not arise immediately out of Genesis 9:6. So this allowance / constraint should never be replicated in a *secular social compact*. This allowance / constraint is also not part of the Genesis 9:6 dormancy. It is therefore adiaphoristic under a genuine Christian *religious social compact*.

Negative *mitzvah* 269: This *mitzvah*, "Not ignoring lost property", arises out of Deuteronomy 22:1-3. This issue has already been addressed to some extent in positive *mitzvah* 204. The emphasis of this *mitzvah* is on the moral premise that one should not ignore the fact that a fellow party to one's *religious social compact* has lost something when one has the capacity to return it to its rightful owner. This cannot be part of a *secular social compact* because it doesn't arise rationally out of the combination of the *negative-duty clause* and the *positive-duty clause* found in Genesis 9:6. This *mitzvah* also has nothing to do with Genesis 9:6 dormancy. It's probably prudent to replicate this *mitzvah* in a genuine Christian *religious social compact*, but never in a *secular social compact*.

Negative *mitzvah* 270: Like positive *mitzvah* 202, this negative *mitzvah* arises out of Exodus 23:5. While positive 202 mandates that one should help, negative 270 mandates that one should not avoid helping. This is descriptive moral law that does not arise rationally out of Genesis 9:6. It therefore should never be replicated within a *secular social compact*. The *mitzvah* definitely does not call for the perpetration of *delicts* under the Genesis 9:6 dormancy. It is well within the lawful jurisdiction of any genuinely Christian *religious social compact*.

(h) Negative *Mitzvoth* 271-319 (Man's Duties to Man) – "The Administration of Justice, the Authority of the Courts, and Similar Matters": This category of negative *mitzvoth*, that are man's duties to man, is extremely pertinent to the execution of human-law justice within a jurisdictionally functional society.

271) Not cheating in measurements and weights – Lev 19:35

Sub-Div (h) Negative *Mitzvoth* 271-319

272) Not keeping false weights and measures – Deut 25:13,14

273) Judge not to commit unrighteousness – Lev 19:15

274) Judge not to accept gifts from litigants – Ex 23:8; Deut 16:19

275) Judge not to favor a litigant – Lev 19:15

276) Judge not to avoid just judgement through fear of a wicked person – Deut 1:17

277) Judge not to decide in favor of poor man, out of pity – Ex 23:3

278) Judge not to pervert justice against person of evil repute – Ex 23:6

279) Judge not to pity one who has killed or caused loss of limb – Deut 19:21; 19:13

280) Judge not perverting justice due to proselytes or orphans – Deut 24:17

281) Judge not to listen to one litigant in absence of the other – Ex 23:1

282) A court may not convict by a majority of one in a capital case[1] – Ex 23:2

283) A judge may not rely on the opinion of a fellow judge – Ex 23:2

284) Not appointing an unlearned judge – Deut 1:17

285) Not bearing false witness – Ex 20:12; Deut 5:16

286) Judge not to receive a wicked man's testimony – Ex 23:1

287) Judge not to receive testimony from litigant's relatives – Deut 24:16

288) Not convicting on the testimony of a single witness – Deut 19:15

289) Not killing a human being[2] – Ex 20:13

290) No capital punishment based on circumstantial evidence – Ex 23:7

291) A witness not acting as an advocate – Num 35:30; Deut 17:6

292) Not killing a murderer without trial – Num 35:12

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1 "Capital cases were tried by a Court of 23 judges." — Chavel, **The Commandments**, vol. 2, p. 263, fn 1.

2 "Thou shalt not murder." This means that "Thou shalt not ['kill an innocent person']." — Chavel, **The Commandments**, vol. 2, p. 269, fn 1.

293) Not sparing the life of a pursuer – Deut 25:12 (See Positive Commandment 247.)

294) Not punishing a person for a sin committed under duress – Deut 22:26

295) Not accepting ransom from one who has committed wilful murder – Num 35:31

296) Not accepting a ransom from one who has committed murder unwittingly – Num 35:32

297) Not neglecting to save the life of an Israelite in danger – Lev 19:16 (See Positive Commandment 178.)

298) Not leaving obstacles on public or private domain – Deut 22:8 (See Positive Commandment 184.)

299) Not giving misleading advice – Lev 19:14

300) Not inflicting excessive corporal punishment – Deut 25:2

301) Not to bear tales – Lev 19:16

302) Not to hate another Hebrew – Lev 19:17,18

303) Not to put another to shame – Lev 19:17 (See Positive Commandment 205.)

304) Not to take vengeance on another – Lev 19:18

305) Not to bear a grudge – Lev 19:18

306) Not to take the entire bird's nest (mother and young) – Deut 22:6 (See Positive Commandment 148.)

307) Not to shave the scall – Lev 13:33

308) Not to cut or cauterize signs of leprosy – Deut 24:8 (See Positive Commandments 101-103.)

309) Not ploughing a valley where *Eglah Arufah* has been performed – Deut 21:4 (See Positive Commandment 181.)

310) Not permitting a sorcerer to live – Ex 22:17

311) Not taking bridegroom from home during first year – Deut 24:5

312) Not to differ from traditional authorities – Deut 17:11 (See Positive Commandment 174.)

313) Not to add to the Written or Oral Law – Deut 8:1

314) Not to detract from the Written or Oral Law – Deut 8:1

315) Not to curse a judge – Ex 22:28

316) Not to curse a ruler – Ex 22:28

Negative *Mitzvoth* 271-319

317) Not to curse any Israelite – Lev 19:14

318) Not cursing parents – Ex 21:17

319) Not smiting parents – Ex 21:15

Negative *mitzvoth* 271-272: Leviticus 19:35-36 is a mandate to "not use dishonest standards when measuring length, weight or quantity." (**NASB**) Deuteronomy 25:13-16 confirms this prohibition. These *mitzvoth* relate to Article I § 8 cl. 5 of the U.S. Constitution in that the latter assigns to Congress the power to "fix the Standards of Weights and Measures". Without such standards, a buyer in a business deal may think he/she is buying one length, weight, or quantity of something, while the seller has something different in mind. Observing such standards reduces the likelihood of fraud. Both of these *mitzvoth* pertain to the banning and elimination of such fraud. — These *mitzvoth* are certainly not ceremonial law, and are certainly descriptive moral law. Because these *mitzvoth* aim specifically at eliminating fraud in conveyances of real and personal property, they aim directly at supporting the natural rights acknowledged and supported by the global covenant. They do so more through the *positive-duty clause* than through the *negative-duty clause*. The *negative-duty clause* says, Don't commit fraud. The *positive-duty clause* offers remedies for when such fraud is committed. These two *mitzvoth* certainly appear to offer support to the *positive-duty clause* in that just weights and measures help to eliminate fraud. But these *mitzvoth* don't offer remedies. They offer preventions. But preventions are not strictly included within the *secular religion*. So although it's lawful for a *religious social compact*, like the Mosaic covenant, to include strict standards regarding weights and measures, rigor demands that lawful *secular social compacts* not replicate these *mitzvoth*. So the clause in the Constitution is a deviation from being a lawful *secular social compact* into being jurisdictionally dysfunctional. A similar situation exists in regard to coining money and regulating the value thereof (Art. I § 8 cl. 5). Entities that are neither *secular social compacts* nor *religious social compacts* are free to set standards in both cases, and people entering into commercial contracts should be free to include whatever standards fit their contract.

Negative *mitzvoth* 273-281: Each of these nine *mitzvoth* pertains to behavioral standards for judges while they adjudicate any given case. The judge is, (273)"not to commit unrighteousness" (Leviticus 19:15); (274)"not to accept gifts from litigants" (Exodus 23:8; Deuteronomy 16:19); (275)"not to favor a litigant" (Leviticus 19:15); (276)"not to avoid just judgment through fear of a wicked person" (Deuteronomy 1:17); (277)"not to decide in favor of a poor man, out of pity" (Exodus 23:3); (278)"not to pervert justice against person of evil repute" (Exodus 23:6); (279)"not to pity one who has killed or caused loss of limb" (Deuteronomy 19:21, 13); (280)to "not pervert[] justice due to proselytes or orphans" (Deuteronomy 24:17); and (281)"not to listen to

one litigant in absence of the other" (Exodus 23:1). All of these have been standards for judges in English and American common law for centuries, and this is testimony to the huge influence that the Old Testament has had on American law. — These are each descriptive moral law, and not ceremonial law. In some respects, each aims directly at supporting the natural rights acknowledged and supported by the global covenant by way of the Genesis 9:6 *positive-duty clause*. Each thereby enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and thereby originates out of the Noachian covenant. On the other hand, if the subject matter of the given case is outside the subject matter of the Genesis 9:6 *negative-duty clause*, then these nine *mitzvoth* will still apply to the judge in the given case, and these *mitzvoth* would not be enforcing the *secular religion*, but merely the terms of the Mosaic *religious social compact*. Although penalties for violating these *mitzvoth* do not appear within the vicinity of any of these passages, it's certain that they are enforceable under the Mosaic covenant as human law. Whether the penalties devised by the rabbis and their predecessors conformed to the life-for-life proportionality or not is outside the scope of this booklet. Even so, it's certain that none of the *mitzvoth* or appropriate penalties is a manifestation of the Genesis 9:6 dormancy.

Negative *mitzvoth* 282-283: Exodus 23:2 says, "'You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice" (**ESV**). Related to these is the rabbinical belief that, "Capital cases were tried by a Court of 23 judges."[1] None of the 23 were to rely on another's opinion, but were to arrive at his own opinion about the case based upon his own relationship with God. There's scant evidence that this rabbinical belief in 23 judges in capital cases was actually mandated by the *Torah*. Nevertheless, if there were multiple judges in the given case, then both of these *mitzvoth* would still stand as important conventions in the administration of justice. This means in the administration of the Genesis 9:6 *positive-duty clause* as it pertains to the subject matter of the Genesis 9:6 *negative-duty clause*. — These are certainly not ceremonial laws, and are certainly descriptive moral law. Depending upon the subject matter of the given case, these guidelines for judges may be supporting the global covenant's *positive-duty clause*, and they may be aimed instead at supporting the terms of the Mosaic *religious social compact* regardless of the global covenant. When these two *mitzvoth* pertain to *secularly* recognizable damage, they help to administer the *secular religion* under the auspices of the Mosaic *religious social compact*. It's practically certain that these guidelines for the operation of the courts were intended to be enforced as human law, but the penalties are ambiguous. So it's important to say that these guidelines have nothing to do with the Genesis 9:6 dormancy. So in general, these guidelines,

1 Chavel, **The Commandments**, vol. 2, p. 263, fn 1.

which aim at certainty in judicial decisions, should be emulated by lawful *secular social compacts*. Likewise, because these are guidelines for judges, like *mitzvoth* 273-281, and they are not laws for plaintiffs, defendants, perpetrators, victims, accusers, accused, *etc.*, they are also appropriate and pertinent to judges presiding over cases in courts of genuine Christian *religious social compacts*.

Negative *mitzvah* 284: This *mitzvah* is, "Not appointing an unlearned judge". This *mitzvah* arises out of the first chapter of Deuteronomy, in which Moses recounts how leaders of the tribes of Israel were appointed (vv. 13-16). The tribes selected heads, "wise and experienced men", who were to act as commanders of the army, but who were also to act as judges. These judges were not to be intimidated by anyone, and were to thereby be impartial in their judgments. This is the setting that gave rise to this *mitzvah*.[1] — This is certainly not ceremonial law, and is certainly descriptive moral law. It does not aim directly to support the natural rights implicit in the global covenant, because the appointed judge might adjudicate cases of both a *secular* and a *religious* subject matter. Even so, because neither *secular* nor *religious* courts would ever want ignorant and bigoted judges to adjudicate their cases, both *secular social compacts* and genuine Christian *religious social compacts* should adhere to this *mitzvah*.

Negative *mitzvoth* 285-288: These *mitzvoth* each focuses on making sure that evidence presented in any given case is reliable. Liars (285; Exodus 20:16 (v. 12d in *Tanakh*); Deuteronomy 5:20 (v. 16d in *Tanakh*)); people known to be wicked (286; Exodus 23:1b); people known to be biased, such as a litigant's relatives (287; Deuteronomy 24:16); and solitary witnesses (288; Deuteronomy 19:15), are each understood to be sources of evidence that is inadequately reliable. — This again is obviously not ceremonial law, and is descriptive moral law. Because these guidelines for evidence apply both to cases that have *secular* subject matter and to cases that have non-*secular*, *religious* subject matter, it's not appropriate to claim that they aim directly at supporting the natural rights acknowledged and supported by the global covenant. Even though this is true, these guidelines for evidence should exist in both *secular* and *religious* courts. As was explained at the Genesis 9:6 encampment, *religious* courts can have much greater latitude for admission of evidence. Even so, these guidelines should be emulated to some extent in both *secular social compacts* and *religious social compacts*.

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1 Appointing a learned judge is equivalent to not appointing an unlearned judge. This is an example of how easily some of these *mitzvoth* can be converted between positive and negative.

Negative *mitzvah* 289: In the **ESV**, Exodus 20:13 (v. 12a in *Tanakh*) says, "'You shall not murder.'" Of course the **KJV** renders the Hebrew into, "'Thou shalt not kill.'" In fact, the Hebrew source means a prohibition of both murder and manslaughter. But it doesn't prohibit the killing of people who deserve to be killed, such as an enemy in a just war or a perpetrator of capital murder. These facts probably explain why Chavel appended to the *mitzvah*, "Not killing a human being", as an explanatory footnote. — Unlike some of the other *mitzvoth* in this subsection, this *mitzvah* isn't merely about rules of court. It is one of the ten commandments that establishes a fundamental restriction on every human's treatment of every other human. This is clearly descriptive moral law. This *mitzvah* absolutely aims directly to support the Genesis 9:6 mandate. So this *mitzvah* enforces the *secular religion* under the jurisdiction of the Mosaic covenant, and therefore has its origins in the Noachian covenant. In neither the Exodus nor the Deuteronomy version of the ten commandments does the *Torah* mention a penalty for murder in the immediate vicinity of the commandment. But Genesis 9:6 has already said, "'Whoever sheds the blood of man, by man shall his blood be shed'". So a penalty under the jurisdiction of the Mosaic covenant is practically inevitable. So conversion of this from mere descriptive moral law into human law under the Mosaic covenant is sure. Cursory reading of the *Torah* does not indicate that the penalty in the case of this *mitzvah* is so harsh that it falls under the Genesis 9:6 dormancy. So both the law and the penalty should be emulated by modern *jural societies*, in both *secular social compacts* and *religious social compacts*.

Negative *mitzvah* 290: This *mitzvah* pertains again to the avoidance of judicial action when evidence is inadequate. *Mitzvah* 290, "No capital punishment based on circumstantial evidence", arises out of Exodus 23:7: "'Keep far from a false charge, and do not kill the innocent and righteous, for I will not acquit the wicked.'" Maimonides interprets this to mean that "circumstantial evidence" is inadequate or insufficient for the execution of capital punishment. Modern jurisprudence has found that sometimes circumstantial evidence can be more reliable than the eyewitness testimony of multiple witnesses. So it could be a case of rabbinical **eisegesis** to interpret this verse as the elimination of circumstantial evidence. Nevertheless, the point should be well taken, that a court should be extremely careful to make sure that the evidence against the accused is insurmountable before the court adjudges guilty with capital punishment. — This is certainly not ceremonial law, and is certainly descriptive moral law. Because it focuses on the reliability of evidence, this *mitzvah* aims directly to support the Genesis 9:6 *positive-duty clause* when the subject matter of a case is *secular*, and it aims to support the terms of a contract, especially a *religious social compact*, when the subject matter is not *secular*. Because, when it's *secular*, its focus is on the *positive-duty clause*, it, without the rabbinical **eisegesis**, is something

that *jural societies* should observe regardless of whether they subtend a *secular social compact* or a *religious social compact*.

Negative *mitzvah* 291: This *mitzvah* again focuses on the adequacy of evidence. Both Numbers 35:30 and Deuteronomy 17:6 indicate that two or more witnesses are prerequisites to the death penalty. But that is not the specific content of this *mitzvah*: "A witness not acting as an advocate". Because the *mitzvah* doesn't arise rationally out of these verses, it's necessary to conclude that this is another case of rabbinical **eisegesis**. But because the *mitzvah* stands as a rational necessity within any court, even if Scripture doesn't explicitly state it, the *mitzvah* should be applauded as true, although the rabbis did not reach it through rational **exegesis**. Courts in the English-speaking world, for centuries, have followed this standard: Witnesses exist to provide evidence, not to plead a cause. Whenever a witness's testimony strays from being evidentiary into being advocacy, the court needs to shut such testimony down, and to not allow it. This is necessary to the court's efforts at being objective, which is difficult enough without having witnesses inject their subjective passions. — This is obviously descriptive moral law, and not ceremonial law. This *mitzvah* aims specifically at supporting Genesis 9:6 natural rights, but does so as an addendum to the *positive-duty clause*, rather than to the *negative-duty clause*. Because this *mitzvah* needs to be observed regardless of whether the subject matter before the court is *delictual* or not, the degree to which this *mitzvah* has its origins in Genesis 9:6 depends upon such subject matter. Because this *mitzvah* aims directly to support the Genesis 9:6 *positive-duty clause* whenever the subject matter of a case is *secular*, and it aims to support the terms of a contract, especially a *religious social compact*, whenever the subject matter is not *secular*, this *mitzvah* is something that *jural societies* should observe regardless of whether they subtend a *secular social compact* or a *religious social compact*.

Negative *mitzvah* 292: This *mitzvah* is, "Not killing a murderer without a trial". A genuine trial entails the systematic presentation of evidence. So this *mitzvah* is also about the necessity of evidence. This *mitzvah* arises out of Numbers 35:12. That verse exists within the context of the cities of refuge, and the custom of every clan having an avenger of blood. But even if that cultural context no longer exists, the need for a trial whenever a human dies at the hands of another human, doesn't vanish so easily. What has been said in *mitzvoth* 290 and 291 about the necessity of systematically presenting evidence, applies here as well.

Negative *mitzvah* 293: This *mitzvah*, "Not sparing the life of a pursuer", presumptively arises from Deuteronomy 25:12. That verse has already been addressed at positive *mitzvah* 247. As indicated there, the rabbinical interpretation

of Deuteronomy 25:12 appears to suffer from rabbinical **eisegesis**. The issues are covered adequately there.

Negative *mitzvah* 294: This *mitzvah* is, "Not punishing a person for a sin committed under duress". The rabbis claim that this *mitzvah* arises out of Deuteronomy 22:26, which, when taken in context, must include verses 25-27. This passage describes a situation in which a man presumably rapes a betrothed damsel in open country, where there is no one to hear her cries for help. This passage contrasts with verses 23-24, which describe a situation in which a betrothed virgin has sex in the city with a man not her betrothed. In the city, they are both to be stoned to death, the woman because she did not cry for help, evidenced by the fact that no one heard her. In the open country, the woman's innocence is assumed. She is assumed to have cried out, but there was no one there to hear. From the juxtaposition of these two scenarios, the rabbis conclude that people who sin under duress should not be punished. — This is certainly not ceremonial law. It is descriptive moral law that, like the evidentiary *mitzvoth* mentioned above, 290-292, is aimed at ensuring that only the guilty are punished, and not the innocent. There are extremely hideous evils that people could do under duress. Being a victim of rape under duress is not really in the same league with being a mass murderer under duress. At some point, such a victim-perpetrator is obligated to sacrifice his/her own life instead of spreading the victimization to other people. This is precisely why this *mitzvah* is not reliable. When the sin committed under duress is not a *delict*, it's reasonable to follow the rabbis in their generalized conclusions about this passage. But when the sin committed under duress is *delictual*, such blithe lack of punishment should not come so easily. This distinction should be recognized in *jural societies* in general, both those within *religious social compacts* and those not.

Negative *mitzvoth* 295-296: These two *mitzvoth* ban allowing a murderer (295) or someone guilty of manslaughter (296) to go unpunished for the sake of a ransom. Money can never replace the life of the victim; so it makes sense that it would not be taken, at any price, to pay for the release of the perpetrator. — These are not ceremonial law and are clearly descriptive moral law. Like many of the *mitzvoth* in this subsection, they establish guidelines under the *positive-duty clause* for the proper execution of justice for violations of the *negative-duty clause*. So through the Genesis 9:6 *positive-duty clause*, it supports the natural rights encompassed by Genesis 9:6. As a guideline for execution of the *positive-duty clause*, it should exist under the auspices of all *jural societies*, both those immediately under *religious social compacts* and those immediately under *secular social compacts*. It exists regardless of the Genesis 9:6 dormancy.

Negative *Mitzvoth* 271-319

Negative *mitzvah* 297: This *mitzvah* is, "Not neglecting to save the life of an Israelite in danger". It arises out of Leviticus 19:16b: "'you are not to act against the life of your neighbor'" (**NASB**). This relates to positive *mitzvah* 178 in that 178 demands that Israelites voluntarily testify in court whenever they have evidence about a controversy. Because lives and property are at stake in every judicial controversy, positive 178 can be taken as a specific instance of the more general mandate in Leviticus 19:16b. — This is obviously descriptive moral law and not ceremonial law. If the "danger" referenced involves the perpetration of damage by one party against another, then this *mitzvah* stands as a mandate to third parties to protect the innocent and prosecute the guilty. As such, it is the core motivation behind the Genesis 9:6 *positive-duty clause*. But as already amply argued, although this mandate is certainly backed by global moral law, globally prescribed human law does not back it. Even so, a *religious social compact*, like the Mosaic covenant, can certainly and lawfully mandate that parties thereto act for such defense of life. So this *mitzvah* has no place under a lawful *secular social compact*, although it certainly does under a lawful *religious social compact*.

Negative *mitzvah* 298: This *mitzvah* is, "Not leaving obstacles on public or private domain". It is based on the same verse in Deuteronomy as positive *mitzvah* 184. But this negative *mitzvah* is more general in that it expands the domain to which Deuteronomy 22:8 applies from private premises to both public and private domains. This expansion into the public does nothing to change the argument that appears at positive *mitzvah* 184, which should be sufficient here as well.

Negative *mitzvah* 299: This *mitzvah* is, "Not giving misleading advice". It's based on Leviticus 19:14: "'You shall not curse a deaf man, nor place a stumbling block before the blind'" (**ESV**). — This is descriptive moral law and not ceremonial law. It does not aim directly to support Genesis 9:6 natural rights, neither the *positive-* nor the *negative-duty clause*. Whatever damage might be caused by offering misleading advice could rise to Genesis 9:6 damage, but not necessarily so. So this *mitzvah* is not a good example of the types of laws that are inherently encompassed by the *negative-duty clause*. So it shouldn't be replicated in *secular social compacts* or in *jural societies*. This *mitzvah* is certainly not a function of the Genesis 9:6 dormancy. It should certainly be replicated in genuine Christian *religious social compacts*.

Negative *mitzvah* 300: Deuteronomy 25:1-3 describes the lawful way, under the Mosaic *religious social compact*, for people to remedy disputes between one another. The dispute could be within the subject-matter jurisdiction of the Noachian covenant, but it might not be. The people are to take the dispute to court and let the judges decide. If the guilty deserves to be beaten, then he is to receive no more than forty

lashes. Thus the *mitzvah*: "Not inflicting excessive corporal punishment". — This is descriptive moral law and not ceremonial law. It is clearly crucial to the translation of moral law into human law, punishment by human against human being crucial to this *mitzvah*. If the thing being punished is a *delict*, then this *mitzvah* exists to support the natural rights of the global covenant. If the subject matter of the corporal punishment is non-*delictual*, then it is contractual, either being a contract to be adjudicated under the jurisdiction of the Mosaic covenant, or being the Mosaic *religious social compact* itself. Although corporal punishment has been banned in some nation states since the so-called "enlightenment", it remains legal in some States in the *united States*. This is evidence that when the subject matter being punished is *secular*, corporal punishment is lawful under lawful *secular social compacts*, and may in many respects be preferable to prolonged incarceration. As long as corporal punishment does not defy the Genesis 9:6 life-for-life proportionality, this *mitzvah* is not a function of the Genesis 9:6 dormancy. It therefore deserves to be emulated by modern *jural societies* of both the *secular* and the *religious* varieties. If the subject matter provoking the punishment is not *secular*, then this *mitzvah* should exist under the auspices of *religious social compacts* as the parties thereto deem appropriate.

Negative *mitzvoth* 301-305: These five *mitzvoth* arise out of Leviticus 19:16-18. They are, (301)"Not to bear tales"; (302)"not to hate another Hebrew"; (303)"Not to put another to shame"; (304)"Not to take vengeance on another"; and (305)"Not to bear a grudge". With the exception of 303, each of these clearly arises rationally out of this passage. Positive *mitzvah* 205, "Rebuking the sinner", and negative *mitzvah* 303 are both interpretations of Leviticus 19:17. The above commentary on positive 205 shows clearly how the two are reconciled. — None of these *mitzvoth* is ceremonial law, and each is descriptive moral law. None of them constitutes a *delict*, and each must necessarily be prosecuted *ex contractu* if prosecuted at all. So none aims directly to support Genesis 9:6 natural rights. So none of these should be replicated under a *secular social compact*. None is a function of the Genesis 9:6 dormancy. Each of these probably deserves replication within genuine Christian *religious social compacts*.

Negative *mitzvah* 306: Both this *mitzvah* and positive *mitzvah* 148 arise out of Deuteronomy 22: 6-7. Commentary on negative 306 exists at positive 148.

Negative *mitzvah* 307: The entirety of Leviticus 13 is about leprosy. Verses 29-37 are about a patch of leprosy on the head or beard. If the priest examines the patch and finds it to be leprosy, then the priest is to quarantine the person for seven days (v. 31). When the priest examines the person on the seventh day, and the patch has not spread, "and there is in it no yellow hair, and the itch appears to be no deeper than the skin" (v. 32), then the person is to shave himself without shaving the patch.

These are the conditions for this *mitzvah*, "Not to shave the scall". — Because the *Torah*'s conception of leprosy is entangled with its conception of cleanness, it may be, probably is, reasonable to claim that this *mitzvah* is non-sacrificial ceremonial law. Under this view, this *mitzvah* is adiaphoristic or second-order doctrine and practice. On the other hand, leprosy is a real disease, and the *Torah*'s prescriptions for dealing with it deserve recognition regardless of how ancient such prescriptions may be. Under this latter view, this *mitzvah* can be treated as descriptive moral law. It is moral law that has nothing to do with Genesis 9:6. Under this view, this *mitzvah* should never be replicated under a *secular social compact*. It also is not a function of the Genesis 9:6 dormancy. Under this view, it might be prudent to replicate this *mitzvah* under a genuine Christian *religious social compact*, depending upon the beliefs of those party.

Negative *mitzvah* 308: This *mitzvah* is, "Not to cut or cauterize signs of leprosy". It arises from Deuteronomy 24:8, which emphasizes that in dealing with leprosy, people should do exactly what the priests tell them to do. Cutting or cauterizing signs of leprosy may hide the signs from the priests, and thereby violate this verse. — Like *mitzvah* 307, this could be viewed as non-sacrificial ceremonial law. Under this view, it is adiaphoristic or second-order doctrine or practice. But it can also be viewed as descriptive moral law. It doesn't arise out of Genesis 9:6, and should therefore not be replicated by any *secular social compact*. It's certainly not a function of Genesis 9:6 dormancy, so it could be replicated in a genuine Christian *religious social compact*.

Negative *mitzvah* 309: This *mitzvah* is, "Not ploughing a valley where *Eglah Arafah* has been performed". *Eglah Arafah* refers to the ritual performed by priests over an unsolved murder. This is described at positive *mitzvah* 181, with its commentary. This ritual is described in Deuteronomy 21:1-9. This passage certainly indicates that the valley where this ritual is performed not have been plowed prior to the ritual. But this *mitzvah*, which indicates that the valley not be plowed after the ritual, appears to be rabbinical **eisegesis**. — The commentary on positive 181 applies to negative 309 as well.

Negative *mitzvah* 310: Exodus 22:18 (v. 17 in *Tanakh*) says, "Do not allow a sorceress to live." (**ESV**) The *mitzvah* arising therefrom is, "Not permitting a sorcerer to live". This issue has already been addressed to some extent at commentaries on negative *mitzvoth* 8-9 and 31-38. Negative 310 gives the penalty for sorcery, death. — This is not ceremonial law and is certainly descriptive moral law transformed into human law through a penalty to be executed by human against human. Because sorcery does not violate Genesis 9:6 *negative-* or *positive-duty clauses*, this *mitzvah* cannot be said to support natural rights. So this law should never be replicated in

a *secular social compact*. In fact, this *mitzvah* calls for the perpetration of a *delict*, murder, against any sorcerer. This *mitzvah* is therefore inherently part of the Genesis 9:6 dormancy. Because it is in direct opposition to Genesis 9:6, it is abrogated for both *secular* and *religious social compacts*.

Negative *mitzvah* 311: This *mitzvah* is, "Not taking bridegroom from home during first year". It arises from Deuteronomy 24:5: "If a man has recently married, he must not be sent to war or have any other duty laid on him. For one year he is to be free to stay at home and bring happiness to the wife he has married." (**ESV**) — This can be taken as either non-sacrificial ceremonial law or as descriptive moral law. As the former, it is adiaphoristic or second-order doctrine. As the latter, it certainly does not aim directly to support the natural rights acknowledged and supported by the global covenant. So this law should never be replicated in a *secular social compact*. It certainly does not call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. So again, it is adiaphoristic or second-order doctrine to genuine Christian *religious social compacts*.

Negative *mitzvah* 312: This *mitzvah* is, "Not to differ from traditional authorities". It is largely a restatement in negative terms of positive 174, "Obeying the Great Court". Both the positive and the negative versions arise from Deuteronomy 17:11. In order to understand verse 11 properly, it must be understood as part of verses 8-13. This makes it obvious that the "traditional authorities" mentioned is in fact the judgments of the "Great Court". What has been stated above in regard to positive 174 should be adequate to cover this negative restatement.

Negative 313-314: These two *mitzvoth* are to not add (313) or subtract (314) from the written or oral law. Maimonides / Chavel cite Deuteronomy 8:1 as being the source of these two commandments. But the meaning of these is conveyed more clearly and to the point by Deuteronomy 4:2a: "You shall not add to the word that I command you, or take from it" (**ESV**). — Because the *Torah* is a set of five books that encompass both ceremonial law and descriptive moral law, as well as historical narrative for the sake of context for the laws, these two *mitzvoth* can be understood to be either non-sacrificial ceremonial law or descriptive moral law. If one follows the flowchart, believing that these are non-sacrificial ceremonial law, then one comes to the conclusion that these laws are adiaphoristic or second-order doctrines. That conclusion shows the fallibility of the flowchart. In fact, the immutability of God's word is a core doctrine of genuine Christianity, without which genuine Christianity does not exist. If one follows the flowchart, believing that these are descriptive moral laws, then one reaches an intermediate conclusion that these laws are not aimed directly at supporting natural rights. Then the conclusion is that these *mitzvoth* should not be replicated in *secular social compacts*. That's true, because the Bible is

fundamentally a *religious* book. Because these laws do not call for the perpetration of *delicts*, they are not part of the Genesis 9:6 dormancy. Under such circumstances, the flowchart concludes that it might or might not be prudent to replicate these laws in genuine Christian *religious social compacts*. That, again, shows the fallibility of the flowchart. These laws MUST be fundamental laws within every genuine Christian *religious social compact*.[1]

Negative *mitzvoth* 315-316: These two *mitzvoth* arise out of the same verse, Exodus 22:28 (v. 27 in *Tanakh*): "'You shall not revile God, nor curse a ruler of your people.'" (**ESV**) The two *mitzvoth* are, (315)"Not to curse a judge"; and (316)"Not to curse a ruler". The first *mitzvah* clearly conflates God and the Israelite judge. That is obviously rabbinical **eisegesis**. Not to curse a ruler is undoubtedly a mandate that needs to be followed. Because judges are a type of ruler, 316 necessarily encompasses "Not to curse a judge". So both *mitzvoth* can be summarized by the mandate to not "'curse a ruler of your people'". On the other hand, other than the ruler of the universe, rulers are human; all humans, with the sole exception of the Messiah, are sinners; and all such humans are prone to curse themselves by way of their sinning. It's important to recognize that Exodus 22:28 doesn't ban people from recognizing when and how a ruler curses his/her self, and doing due diligence in response to it. — This is clearly descriptive moral law and not ceremonial law. This mandate does not aim directly to support the natural rights protected by the Genesis 9:6 *negative-duty clause*. It aims at bolstering the *positive-duty clause* to the extent that rulers and judges work to fulfill the Genesis 9:6 *positive-duty clause*. To the extent that rulers and judges work to fulfill duties under their *religious social compact*, where such duties do not relate directly to Genesis 9:6 subject matter, the mandate to not curse rulers is *religious*, and not *secular*. To the extent that rulers work to support

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1 The flowchart should be understood to be fallible primarily because it is aimed at dealing with **progressive revelation**, which pertains inherently to the fallibility and mutability of human beings. As proven by the fact that many *mitzvoth* are abrogated under the Messianic covenant, **progressive revelation** is an absolutely critical concept in understanding the biblical covenants. But principles undergirding **progressive revelation** absolutely do not pertain to things that are immutable, like the attributes of God. Progressive understanding entails that people gain better understanding of biblical truth over time. In contrast, **progressive revelation** entails modification of terms of biblical covenants over time. Because God's word is immutable in the same way that natural law is immutable, the fundamental descriptions of it in the biblical covenants can only be changed by those clearly designated by the Messiah to do so, like Moses the mediator of the covenant; the apostles designated by Christ; and the prophets, priests, and kings to whom God gave the special privilege of being vehicles through whom special revelation was written.

the *positive-duty clause*, this mandate exists to enforce the *secular religion*, and does so without being subject to the Genesis 9:6 dormancy. To the extent that rulers work to satisfy their *religious* duties, this mandate should not exist within *secular social compacts*. This is especially true if their *religious* duties include perpetration of aspects of the Genesis 9:6 dormancy. Such duties are abrogated in both *secular* and *religious social compacts*.

Negative *mitzvah* 317: Leviticus 19:14 says, "'You shall not curse the deaf or put a stumbling block before the blind, but you shall fear your God: I am the Lord.'" (**ESV**) The rabbis extrapolate this to "Not to curse any Israelite". This extrapolation is not unreasonable, given that four verses later, the divine author says, "'you shall love your neighbor as yourself'" (**ESV**). But without recognizing that context, the *mitzvah* would be based on rabbinical **eisegesis**. — This is descriptive moral law, and not ceremonial law. This certainly does not aim directly to support Genesis 9:6 natural rights. So this *mitzvah* should not be replicated in any *secular social compact*. The *mitzvah* certainly does not call for the perpetration of any *delict*, and therefore cannot be a function of the Genesis 9:6 dormancy. It is absolutely prudent to replicate this *mitzvah* in every genuine Christian *religious social compact*.

Negative *mitzvoth* 318-319: These two *mitzvoth* are, (318)"Not cursing parents"; and (319)"Not smiting parents". They arise out of Exodus 21, verses 17 and 15, respectively. The express penalty for both cursing and smiting is death. — These are clearly not ceremonial law, and are clearly descriptive moral law. Although the victim of each *mitzvah* is parents, these *mitzvoth* are different in this significant respect: Smiting anyone, when such smiting is not an act of executing the Genesis 9:6 life-for-life proportionality, is a *delict*, and is punishable under such proportionality. In contrast, cursing, when it causes no discernible and proximate damage to the cursed person, is not a *delict*. So these two *mitzvoth* follow two different paths through the flowchart. (318)This law doesn't support Genesis 9:6 natural rights. It therefore should not be replicated in a *secular social compact*. Because verse 17 certainly calls for death to the offspring who curses his/her parents, the *mitzvah* must be understood to be a function of the Genesis 9:6 dormancy. Because this penalty is in direct opposition to Genesis 9:6, the penalty is abrogated for both *secular* and *religious social compacts*. Although the *mitzvah*, without the penalty, should not be replicated in a *secular social compact*, it, without the penalty, should certainly be replicated in every genuine Christian *religious social compact*. (319)This law is an elucidation of the Genesis 9:6 *negative-duty clause* as it pertains to a specific kind of *delict* perpetrated by offspring against parents. So it directly supports Genesis 9:6 natural rights. So this law, without the specified penalty, enforces the *secular religion*. It therefore has its origin in the Noachian covenant. The Mosaic covenant certainly

enforces this law as human law. But it enforces the law with such a harsh penalty, that it defies the life-for-life proportionality. So even though the *mitzvah* should be emulated by modern *jural societies*, the penalty should not be emulated because it is a function of the Genesis 9:6 dormancy.

(i) Negative *Mitzvoth* 320-329 (Man's Duties to Man) – "The Sabbath and Festivals": Essentially, each of these negative *mitzvoth* has already been addressed by one or more positive counterparts, mostly in the subsection above, "The Holy Days and the Observance Connected with Them".

320) Not to work on *Shabbat*[1] – Ex 20:10
321) Not to go on a journey on *Shabbat* – Ex 16:29
322) Not to punish on *Shabbat* – Ex 35:3
323) Not to work on the first day of *Pesach*[2] – Ex 11:16; Lev 23:7
324) Not to work on the seventh day of *Pesach* – Ex 11:16; Lev 23:8
325) Not to work on *Shavu'ot*[3] – Lev 23:21
326) Not to work on *Rosh Hashana*[4] – Lev 23:25
327) Not to work on the first day of *Sukkot*[5] – Lev 23:35
328) Not to work on *Shemini Atzeres*[6] – Lev 23:36
329) Not to work on *Yom Kippur*[7] – Lev 23:31

Negative *mitzvoth* 320-329: Each of these *mitzvoth* mandates that the Israelite not do something, especially work, on a Sabbath or holy day. As indicated either explicitly or implicitly in positive *mitzvoth* 153-171, when properly understood within the context of the Messianic covenant, each of these negative *mitzvoth* is essentially non-sacrificial ceremonial law. As such, each defaults into being adiaphoristic or second-order doctrine under the Messianic covenant. Even though this is true, some of these holy days, especially *Shabbat*, are so crucial to genuine Christianity, that genuine Christian *religious social compacts* should adopt these *mitzvoth* as standards, even if neglect of them is not penalized by human law. For example, not to work, journey,

1 Sabbath.
2 Passover.
3 The Feast of Weeks, Pentecost.
4 The first day of the New Year on the civil calendar.
5 The Feast of Tabernacles.
6 Literally, the "eighth solemn assembly". The eighth day of *Sukkot*, which is a day of rest.
7 The Day of Atonement.

or punish on *Shabbat* should be standard practice in every genuine Christian church. But this standard should be kept within the context of what Jesus said: "'The Sabbath was made for man, not man for the Sabbath.'" (Mark 2:27; **ESV**)

(j) Negative *Mitzvoth* 330-361 (Man's Duties to Man) – "The Forbidden Degrees of Marriage and Related Subjects": Starting in the creation narrative in Genesis, ending in the New Jerusalem narrative in Revelation, and reinforced throughout everything in between, marriage is an essential and distinctive motif of the Bible's system of covenants. That's why it has been called historically "Holy Matrimony". The *Torah* makes it abundantly clear that there are attitudes and actions that Israelites can take that are inherently diametrically opposed to marriage, thoughts, speech, and behavior that pollute it rather than support it. This particular subsection of negative *mitzvoth* is dedicated to identifying those pollutants, by banning them.

330) Not have intercourse with one's mother – Lev 18:17
331) Not have intercourse with one's father's wife – Lev 18:8
332) Not have intercourse with one's sister – Lev 18:9
333) Not have intercourse with daughter of father's wife if sister – Lev 18:11
334) Not have intercourse with one's son's daughter – Lev 18:10
335) Not have intercourse with one's daughter's daughter – Lev 18:10
336) Not have intercourse with one's daughter – Lev 18:17
337) Not have intercourse with a woman and her daughter – Lev 18:17
338) Not have intercourse with a woman and her son's daughter – Lev 18:17
339) Not have intercourse with a woman and her daughter's daughter – Lev 18:17
340) Not have intercourse with one's father's sister – Lev 18:12
341) Not have intercourse with one's mother's sister – Lev 18:13
342) Not have intercourse with wife of father's brother – Lev 18:14
343) Not have intercourse with one's son's wife – Lev 18:15
344) Not have intercourse with brother's wife – Lev 18:16
345) Not have intercourse with sister of wife during her lifetime – Lev 18:18
346) Not to have intercourse with a menstruant – Lev 18:19

Sub-Div (j) Negative *Mitzvoth* 330-361

347) Not to have intercourse with another man's wife – Lev 18:20

348) Men may not lie with beasts – Lev 18:23

349) Women may not lie with beasts – Lev 18:23

350) A man may not lie carnally with another man – Lev 18:22

351) A man may not lie carnally with his father – Lev 18:7

352) A man may not lie carnally with his father's brother – Lev 18:14

353) Not to be intimate with a kinswoman – Lev 18:6

354) A *mamzer*[1] may not have relations with a Hebrew woman[2] – Deut 23:2

355) Not having intercourse with a woman without marriage – Deut 23:18; Lev 19:29

356) Not remarrying one's divorced wife after she has remarried – Deut 24:4

357) Not having relations with woman subject to Levirate marriage – Deut 25:5 (See Positive Commandment 216.)

358) Not divorcing woman he has raped and been compelled to marry – Deut 22:29

359) Not divorcing a woman after having falsely brought an evil name upon her – Deut 22:19 (See Positive Commandment 219.)

360) Man incapable of procreation not to marry a Hebrew woman – Deut 23:2

361) Not to castrate a man or beast – Lev 22:24

Negative *mitzvoth* 330-345: Each of these *mitzvoth* bans some variety of incest. The science of genetics shows that there are good reasons to avoid reproduction between people who are too closely related, because it causes genetic defects. But avoidance of genetic defects is not the primary reason for prohibiting these various kinds of intercourse. Maintaining the sanctity of marriage is the more fundamental reason. Practically all of Leviticus 18 is dedicated to banning practices that detract from the sanctity of marriage. But some of these incestuous forms of intercourse would not inherently risk genetic defects. For example, "intercourse with one's father's wife", when the father is dead and the wife is not genetically related, would not

1 A bastard.

2 "This prohibition also applies to an Israelite and a woman bastard." — Chavel, **The Commandments**, vol. 2, p. 322, fn 2.

risk genetic defects any more than intercourse between the father and the same woman would have. But precisely that variety of incest was assailed by the Apostle Paul in 1Corinthians 5. What Paul assails is not the risk of genetic defects, but the uncovering of nakedness of close relatives. Such uncovering of nakedness is used as a euphemism in Leviticus 18 for shameful sex, sex that is against natural law for whatever reason, as distinguished from the joyful sex of lawful marriage. It's certain, from Paul's reaction to the case in Corinth, that such shameful sex remains banned under the Messianic covenant, which means that it will probably remain banned until the New Jerusalem. — These are not ceremonial law, but are clearly descriptive moral law. None of these *mitzvoth* relate to the Genesis 9:6 *negative-duty clause*, because none is about rape, forced sexual intercourse. None is about the *positive-duty clause* because none aims to enforce the *negative-duty clause*. So none aims directly to support the natural rights acknowledged and supported by the global covenant. So none of these should be replicated in any lawful *secular social compact*. Furthermore, none calls for the perpetration of *delicts* as part of the Genesis 9:6 dormancy. So the conclusion indicated by the flowchart is that these *mitzvoth* might or might not be prudent under a genuine Christian *religious social compact*. Paul is so emphatic in 1Corinthians that there should be no doubt that these *mitzvoth* MUST be replicated in every genuine Christian *religious social compact*.

Negative *mitzvah* 346: The *Torah* marks menstruation as unclean. It makes sense that intercourse with a menstruant would make the man unclean. So it makes sense that such unnecessary uncleanness would be prohibited, as it is by Leviticus 18:19. — This *mitzvah* is not ceremonial law, and is descriptive moral law. It is completely unrelated to Genesis 9:6 and the Genesis 9:6 dormancy. So this *mitzvah* should never be replicated in a *secular social compact*. It's probably prudent that it be replicated as a standard in genuine Christian *religious social compacts*.

Negative *mitzvah* 347: A man having intercourse with another man's wife is obviously adultery. This *mitzvah* clearly indicated that adultery is banned. The *mitzvah* clearly arises out of Leviticus 18:20. Leviticus 20:10 clearly indicates that under the Mosaic *religious social compact*, the penalty for both the adulterer and the adulteress is death. Deuteronomy 22:24 indicates that the preferred method is stoning. — This is clearly not ceremonial law, and it's clearly descriptive moral law. Because the adultery is consensual between the adulterous man and woman, there is no *delict* here. That means that adultery does not violate the Genesis 9:6 *negative-duty clause ex delicto*. From that perspective, therefore, no lawful claim can be made that this *mitzvah* supports the Genesis 9:6 mandate. The damage caused by adultery is *ex contractu*. It is a violation of every marriage contract composed and enacted according to Mosaic principles. To know for certain whether this *mitzvah* supports,

or does not support, the Genesis 9:6 mandate, it's necessary to know whether such a marriage contract is to be enforced through the ***title-transfer theory*** or the ***property-interest model***. A moment's consideration makes it obvious that there is no clear transfer of title to property in a wedding. Marriage is based instead on an exchange of promises. Therefore, a marriage covenant cannot be meaningfully (in the biblical sense) enforced in an *ecclesiastical* court that can only enforce contracts through the ***title-transfer theory***. Therefore, such a contract is strictly *religious*. Therefore, this mandate certainly does not exist to support Genesis 9:6 through the *positive-duty clause*. So this mandate should never be replicated under the immediate jurisdiction of a *secular social compact*. Does this commandment inherently call for the perpetration of *delicts* as part of the Genesis 9:6 dormancy? It calls for the death of the two adulterers. Adultery is a capital crime under the Mosaic covenant. That may be a lawful punishment under such a *religious social compact*, but it violates the global covenant's life-for-life proportionality. It's therefore part of the Genesis 9:6 dormancy. Because the Genesis 9:6 dormancy has ended under the Messianic covenant, the punishment has been abrogated for every genuine Christian *religious social compact*. But the *mitzvah*, the mandate against adultery without regard to penalty, has certainly not been abrogated. Because marriage is a core motif throughout the Bible, the violation of it must be banned within every genuine Christian *religious social compact*.

Negative *mitzvoth* 348-349: These *mitzvoth* constitute a ban on sex with animals by men (348) and women (349). The Mosaic *religious social compact* bans these even though they do not constitute *delicts*. — These are not ceremonial law, and are descriptive moral law. Because these do not constitute *delicts*, and are only contractual through the Mosaic covenant itself, they do not support Genesis 9:6. So these *mitzvoth* are not to be replicated in any lawful *secular social compact*. Because bestiality violates the sanctity of marriage by promoting a conception of sex that opposes the biblical conception, these *mitzvoth* should be replicated in every genuine Christian *religious social compact*. The punishment for violation of these *mitzvoth* is indicated at the end of Leviticus 18: "'For everyone who does any of these abominations, the persons who do them shall be cut off from among their people.'" (v. 29) A compact, contract, covenant that eliminates parties for violation of terms is certainly not a perpetration of a *delict*. So neither these *mitzvoth* nor their penalties is part of the Genesis 9:6 dormancy.

Negative *mitzvoth* 350-352: These *mitzvoth* clearly ban homosexuality among men. According to them, "A man may not lie carnally", (350) "with another man" (Leviticus 18:22); (351)"with his father" (Leviticus 18:7); or (352)"with his father's brother" (Leviticus 18:14). The ban on homosexuality exists because it, like the

Leviticus 18 abominations in general, violates the sanctity of marriage. — These are not ceremonial laws. They are descriptive moral laws. The banned practices of these *mitzvoth* do not constitute *delicts*. They therefore do not violate the Genesis 9:6 *negative-duty clause* in that way. They certainly violate a contract, the contract being the Mosaic covenant. But they do not cause Genesis 9:6 damage, meaning damage cognizable under the *secular religion*. So they violate a contract that can only be enforced, in regard to these terms, through the ***property-interest model*** of contracts, and not through the ***title-transfer theory***. These *mitzvoth* therefore have nothing to do with the Genesis 9:6 mandate. They should therefore never be replicated under any lawful *secular social compact*. Because expressly prescribed penalties are for the perpetrators to be "cut off" (Leviticus 18:29), the penalties are not part of the Genesis 9:6 dormancy, and neither are the *mitzvoth* themselves. Because these practices violate the sanctity of marriage, every genuine Christian *religious social compact* should replicate these *mitzvoth*.

Negative *mitzvah* 353: Leviticus 18:6a says, "'None of you shall approach any one of his close relatives to uncover nakedness.'" This admonition certainly encompasses a ban on being "intimate with a kinswoman" (353). The reasoning found above, in regard to *mitzvoth* 330-352, especially 330-345, applies here.

Negative *mitzvah* 354: This *mitzvah* is, "A *mamzer* may not have relations with a Hebrew woman". A *mamzer* is a bastard. Chavel's footnote indicates that a bastard of either sex may not have relations with an Israelite of the opposite sex (Deuteronomy 23:2; v. 3 in *Tanakh*). That verse says, "'No one born of a forbidden union [(no *mamzer*)] may enter the assembly of the Lord.'" (**ESV**) A rational deduction from that verse is that a bastard may not have relations with an Israelite. — This is certainly not ceremonial law, and is certainly descriptive moral law. Because there is no Genesis 9:6 damage involved in violation of this *mitzvah*, the *mitzvah* certainly does not aim directly to support Genesis 9:6. So this *mitzvah* should never be replicated in a *secular social compact*. Because there is no obvious Genesis 9:6 damage, this *mitzvah* is not a function of the Genesis 9:6 dormancy. It therefore might or might not be prudent to replicate this *mitzvah* within a genuine Christian *religious social compact*. Because a *mamzer*, by his/her self, is not a violation of the sanctity of marriage, but is merely a person born with disabilities, like everyone else, it does not make sense to replicate this *mitzvah* within genuine Christian *religious social compacts*.

Negative *mitzvah* 355: This *mitzvah* is, "Not having intercourse with a woman without marriage". According to this *mitzvah*, it arises out of Deuteronomy 23:17 (v. 18 in *Tanakh*), "'None of the daughters of Israel shall be a cult prostitute, and none of the sons of Israel shall be a cult prostitute.'" (**ESV**) It also arises out of Leviticus

19:29: "'Do not profane your daughter by making her a prostitute, lest the land fall into prostitution and the land become full of depravity.'" There is implicit in the relationship between these verses and this *mitzvah* a belief that if one was sexually active with people of the opposite sex while not married, then one was probably some kind of prostitute. At this time in American history, heterosexual sex outside of marriage is practically as normal as, or more normal than, heterosexual sex within marriage. Such people are generally having sex for fun, rather than for money. But the association of heterosexual sex with idolatry persists in America, even though those massively indulged in promiscuity are not overtly cult prostitutes. Because people are generally valuing their own animal urges more than Godly ethics, this kind of idolatry is rampant. In spite of the *mitzvah*, the commandment arising out of these verses should be understood to be something more like this: *Not having heterosexual sex outside of marriage.* — This is obviously descriptive moral law and not ceremonial law. This clearly has nothing to do with either Genesis 9:6 or the Genesis 9:6 dormancy. So this *mitzvah* should never be replicated within a *secular social compact*. Because this kind of idolatrous practice is an obvious affront to the sanctity of marriage, genuine Christian *religious social compacts* should always ban it.

Negative *mitzvah* 356: This *mitzvah* arises out of Deuteronomy 24:1-4. This passage pertains to a man remarrying a woman he divorced, where the woman was married to another man during the interim. Both the passage and the *mitzvah* ban such a remarriage. — This is obviously descriptive moral law and not ceremonial law. It has nothing to do with either Genesis 9:6 or the Genesis 9:6 dormancy. So this *mitzvah* should never be replicated in a *secular social compact*. Whether it's prudent for any given genuine Christian *religious social compact* to replicate it, or not, should apparently be left to the parties to such compact to determine.

Negative *mitzvah* 357: Positive *mitzvah* 216 covers the law of "Levirate marriage". This negative *mitzvah* is, "Not having relations with woman subject to Levirate marriage". This doesn't appear to arise obviously out of the pertinent passage, Deuteronomy 25:5-10. Nevertheless, given all the other valid restrictions on sexual behavior addressed in this subsection, it's reasonable to give the rabbis the benefit of the doubt, and to allow that perhaps this *mitzvah*, too, is valid. — As indicated at the commentary on positive *mitzvah* 216, Levirate marriage is non-sacrificial ceremonial law. From that perspective, it is adiaphoristic or second-order doctrine. So from this perspective, so must be negative *mitzvah* 357. But given that sex outside lawful marriage is banned in general under the Mosaic covenant, this negative *mitzvah* stands on that ground.

Negative *mitzvah* 358: This negative *mitzvah* should be considered an extension of positive *mitzvoth* 218 and 220. Deuteronomy 22:29b clearly stipulates that "He may not divorce her all his days." The *mitzvah* assumes rape, although verbatim interpretation of the text doesn't make this assumption. If it's not rape, then the conditions are no obvious business of any lawful *secular social compact*. Under a genuine Christian *religious social compact*, it might be prudent to compel the husband to refrain from divorcing his wife in such a marriage, with the most powerful punishment being banishment to the husband for insisting on the divorce.

Negative *mitzvah* 359: Positive *mitzvah* 219 is, "The law of the defamer of his bride". It arises out of Deuteronomy 22:18-19. Negative *mitzvah* 359 pertains strictly to verse 19b: "'He may not divorce her all his days.'" Although this probably cannot be lawfully enforced under a lawful *secular social compact*, it's reasonable that it be enforced, like negative *mitzvah* 358, by genuine Christian *religious social compacts*.

Negative *mitzvah* 360: This *mitzvah*, "Man incapable of procreation not to marry a Hebrew woman", arises out of Deuteronomy 23:1 (v. 2 in *Tanakh*): "'No one whose testicles are crushed or whose male organ is cut off shall enter into the assembly of the Lord.'" (**ESV**) This may be rabbinical **eisegesis** to interpret this to be about marriage. But perhaps it's reasonable to give the rabbis the benefit of the doubt. — If this is ceremonial law, then it is non-sacrificial. As such, it is adiaphoristic or second-order doctrine. If this is descriptive moral law, then it clearly has nothing to do with Genesis 9:6. So this should never be replicated under the immediate jurisdiction of a *secular social compact*. It also has nothing to do with the Genesis 9:6 dormancy. The flowchart indicates that this *mitzvah* should therefore be considered either prudent or not prudent under a genuine Christian *religious social compact*. But Christian mercy demands that this be adiaphoristic or second-order doctrine under genuine Christian *religious social compacts*.

Negative *mitzvah* 361: The final *mitzvah* in this subsection is, "Not to castrate a man or beast". Maimonides cites Leviticus 22:24 as the source for this *mitzvah*. But that verse only applies to animals that are potentially sacrificial offerings. Because Deuteronomy 23:1 (v. 2 in *Tanakh*) bans castrated human males from "the assembly of the Lord", it's reasonable to take the *mitzvah* as being adequately grounded in Scripture. — Regarding animals, this is clearly sacrificial ceremonial law. So that aspect of this *mitzvah* has clearly been abrogated, and should not be required of genuine Christians. Regarding castrated men, the banning of castration must revolve around the negative commandment in Deuteronomy 23:1. Commentary on that verse appears at negative *mitzvah* 360. Certainly, involuntary castration is a *delict*, and is punishable under Genesis 9:6. That would certainly put it under the subject-

matter jurisdiction of a lawful *secular social compact*. But if it's voluntary, then it's reasonable to consider it to be self-castration. A lawful *secular social compact* cannot lawfully ban self-castration. But it's reasonable for genuine Christian *religious social compacts* to ban it among its parties, and to devise reasonable penalties for violation.

(k) Negative *Mitzvoth* 362-365 (Man's Duties to Man) – "The Head of the Jewish State and Its Officers": This last category of negative *mitzvoth* is ostensibly about the "Head of the Jewish State and Its Officers". But really it's about the king and only the king. All the previous *mitzvoth* amount to ample evidence that the Mosaic *social compact* was designed to operate through a system of judges, with God as true King over all the Israelites. In other words, it was designed to be a theocracy. But terms of the covenant made provision for the failure of the theocracy, especially in Deuteronomy 17. The polity the Mosaic covenant supplied as a replacement for the failed theocracy was a monarchy. This was essentially the replacement of God as King with some human as surrogate for God. There's an essential element of idolatry in this transition. Nevertheless, God made provision for it. The historical transition from the God led polity to the human-led polity is actually described in 1Samuel 8:4-22. The people lacked the mental equipment to make the God polity work.

362) Not appointing a non-Israelite born King – Deut 17:15

363) A king not owning many horses – Deut 17:16

364) A king not taking many wives – Deut 17:17

365) A king not amassing great personal wealth – Deut 17:17

Negative *mitzvah* 362: Positive *mitzvah* 17 argues that the office of human king has been abrogated as sacrificial ceremonial law, because King Jesus, the only true king of Israel, has ascended to the throne, has been coronated, and reigns even now. So the issue addressed in negative *mitzvah* 362 is irrelevant. No king other than the one who currently reigns, and who is the only true king to ever reign over Israel, can ever be appointed as king. He is more truly Israelite than any king who has ever reigned over Israel or Judah. Therefore, this *mitzvah* is abrogated.

Negative *mitzvoth* 363-365: These *mitzvoth* are for an Israelite king, (363)not to own many horses (Deuteronomy 17:16); (364)not to take many wives (Deuteronomy 17:17a); and (365)not to amass great personal wealth (Deuteronomy 17:17b). These were each a major problem for many of the historical kings of Israel and Judah. But they are not problems for the currently reigning King. They are therefore abrogated.

(3) The Genocide, Abrogation of the Genesis 9:6 Dormancy, and Abrogation of the Ban on Syncretism:

After examining these 613 terms of the Mosaic covenant, within the larger context of the global covenants and the Abrahamic covenant, there are several things that should be obvious: (i)Human awareness of the global covenant went dormant at the beginning of the ***many-nations epoch***. (ii)All ceremonial law is moral law, but not all moral law is ceremonial law; and not all ceremonial law is sacrificial. (iii) All "judicial law" is really nothing more than human law, law that humans enforce against humans. (iv)Some of the human laws in the Mosaic covenant enforce the *secular religion* that arises out of the global covenant, but many of them do not. (v) And many other things. But what really needs to be emphasized in any law-focused, Christian attempt at summarizing the Mosaic covenant is the role of **progressive revelation**.

Even if **progressive revelation** is not a particularly common term in Reformed theology, reliable **exegetes** have found it unavoidably necessary to rely upon the concept, even if marked by some other verbal cue. This is because the New Testament makes it unavoidably obvious that some aspects of the Messianic covenant abrogate some aspects of the Mosaic covenant. Such abrogation demands the existence of **progressive revelation**, even if by some other nomenclature. That **progressive revelation** is demanded by the New Testament can be explained from the perspective of moral law.

The global covenant, as interpreted above, demands the existence of natural law, that aspect of the eternal law that is knowable by humans. Such natural law must exist in three facets or legs, the exogenous leg, the endogenous leg, and the moral-law leg. Because the natural law doesn't change, neither does the moral law. Yet **progressive revelation** demands that the moral law, as described by the Mosaic covenant, change. To resolve this quandary, it is necessary to admit the existence of two different kinds of moral law: the moral law as it exists as an aspect of the unchanging natural law, on one hand, and descriptive moral law, on the other. Descriptive moral law, in the biblical sense, is God's special revelation of the unchanging moral law to fallen creatures. Such revelation was given by God according to His plan, as initiated in the proto-evangelium (Genesis 3:15), to shepherd His chosen flock into their eternal sheep fold in the New Jerusalem. That long trek necessarily demands that humans change, both as individuals and as a collective, from being relatively ignorant about moral law to being comparatively edified. This shepherding necessarily demands some condescension on God's part, a shift by God from using His heavenly language to using a language comprehensible to carnal creatures. This demands that He make descriptions of moral law at some given point in time that are not as precise

and accurate as descriptions that He makes later. These modified descriptions are not necessary because of flaws in God, but because of flaws in humans. In regard to the abrogation of much of the ceremonial law, no reliable Reformed theologian would argue against these claims. But in regard to similar claims that relate to the abrogation of the Genesis 9:6 dormancy, the same theologians are not so likely to concur.

Unlike ceremonial law, the Genesis 9:6 dormancy is not addressed in the New Testament. Its existence is a necessary outgrowth of the rigorous analysis of Genesis 9:6, relative to the subsequent historical narrative. Nevertheless, it's obvious that all laws in the biblical covenants must have moral undergirdings, and if any is abrogated or demoted, it cannot mean that the moral-law leg of the natural law is in any way abrogated or demoted. Because sacrificial ceremonial laws are abrogated, it must be true that those descriptive moral laws are abrogated in favor of more accurate and precise descriptions. That's obviously what happens in the New Testament's abrogation of sacrificial ceremonial law. The Messiah came and showed precisely which of the Mosaic covenant's descriptive moral laws took the form of sacrificial ceremonial laws. The undergirding moral-law leg of the natural law never changes, while the Mosaic covenant's description of it is abrogated in favor of the Messianic covenant's better description. In a similar manner, if the **exegesis** of the global covenant that appears above is true, then that means that the Mosaic covenant's descriptive moral laws that are under the influence of the Genesis 9:6 dormancy must also be abrogated, or surrendered to whatever extent is necessary, in favor of better, later, descriptive moral laws. But because the evidence in **progressive revelation** in the New Testament, in regard to Genesis 9:6 and its dormancy, is far more sparse than descriptive moral law pertinent to the ceremonies and sacrifices, it's necessary to rely more on progressive understanding. That's because special revelation in regard to Genesis 9:6 and its dormancy doesn't yield understanding so easily as special revelation regarding ceremonies and sacrifices. The understanding of the abrogation and demotion regarding ceremonies and sacrifices is obvious by looking at the text. But this is not true of Genesis 9:6, its dormancy, and the abrogation of the dormancy. So understanding that the Genesis 9:6 dormancy is abrogated by the Messianic covenant demands a degree of knowledge about the Bible as a whole, and a degree of abstraction, that is not demanded by abrogation of the ceremonies and sacrifices. Even though the abrogation of the Genesis 9:6 dormancy demands a greater level of abstraction in order for the Bible student to see it, there must still be an unbroken chain of rational consistency between special revelation as revealed in the text, and the conclusions of progressive understanding, in each of these two cases of abrogation.

Why God made it so clear through **progressive revelation** that sacrificial ceremonial law was abrogated, while He did not make it so clear that the Genesis 9:6 dormancy was abrogated, relates directly to God's **purposive will**. Descriptive moral law that has been abrogated necessarily falls into the category of God's **purposive will** that has been satisfied and fulfilled. Descriptive moral law that was sacrificial ceremonial law in the Mosaic covenant was an aspect of God's **purposive will** that was fulfilled in the Messianic covenant. The proof of such fulfillment exists in the New Testament's **progressive revelation**. In the case of sacrificial ceremonial law, such fulfillment is indicated by obvious and explicit words. — That the Messianic covenant abrogated the Genesis 9:6 dormancy is not so explicitly indicated. There is nothing so explicit as the words of Hebrews and Pauline doctrine to indicate that the Genesis 9:6 dormancy is abrogated. In fact, the Genesis 9:6 dormancy can only exist if Genesis 9:6 is given the kind of rigorous jurisprudential interpretation that appears above. That rigorous jurisprudential interpretation arose out of Genesis 9:6 through progressive understanding of the Bible, over numerous centuries, by people dedicated to understanding and expounding Christian jurisprudence. It's ultimately based on special revelation, especially in principles like the principle that human beings are image bearers, even in their fallenness. Such fundamental Christian legal principles certainly exist in Scripture. But the implications of such monumental principles have taken centuries of progressive understanding of the Bible to be commonly recognized by genuine Christians. In fact, there is now a war going on viciously in the second heaven between demons who want this knowledge suppressed and angels fighting for it's manifestation. Faithful Christian people put themselves on the side of the angels, and against the demons who are demanding ignorance, darkness, and dormancy. Any Christian awake to what's happening in the world knows that this rigorous jurisprudential interpretation of Genesis 9:6 must be true, while those fighting to keep it cloaked are on the side of a kind of evil that has been in the world for millennia, and will not yield turf easily. Given that the rigorous jurisprudential interpretation of Genesis 9:6 is squarely based on principles existing in the Messianic covenant, and that it's rational, the interpretation stands as valid Christian doctrine. Given that this is true, the Genesis 9:6 dormancy follows as a necessary explanation for what happened at the onset of the ***many-nations epoch***. It becomes obvious that it has been God's **purposive will** for things to unfold in this manner. God's **purposive will** in regard to Genesis 9:6 is obviously still unfolding, and will probably continue unfolding until the final judgment. Progressive understanding leads inevitably to the conclusion that the Messianic covenant abrogates the Genesis 9:6 dormancy, although it does so by implication, and not explicitly. This means that God's **preceptive will** changes to some extent,

even though His **decretive will** in regard to all three legs of the natural law never changes.

The Genesis 9:6 dormancy is the necessary setting for allowing the Mosaic covenant's mandate to commit genocide. It's also the necessary setting for allowing the Mosaic covenant's mandates to excessive punishment that are inherently *delictual*. But how can genocide be the **preceptive will** of a good God, even if that God does go through the formality of suspending His **preceptive will** found in Genesis 9:6, and putting in its place a different **preceptive will** that mandates genocide? More to the point, what are these moral principles that undergird the Mosaic commandments to commit genocide, where those undergirding moral principles somehow acquit God and His people from being guilty of mass murder? These questions, and questions like them, have been ominous objections to all the biblical claims regarding the holiness and goodness of God, and of His ways, for millennia. Without an explanation that's rationally consistent with the law and facts, this entire booklet's claims about the Bible's basic jurisdictional principles must rationally evaporate.

For the sake of emphasis, before entering earnestly into the search for exculpatory moral principles undergirding the genocide and all the excessive punishments common to God's people during the Genesis 9:6 dormancy, it's important to bear in mind certain principles that are immutable and impervious. The immediate substrate of principles undergirding **progressive revelation** absolutely does not pertain to things that are immutable. The immediate substrate of principles must be mutable. They cannot be things like the attributes of God, which are eternally changeless, out of both rational and Scriptural necessity. A deeper substrate is necessarily immutable while the immediate substrate is not. Progressive understanding is the principle that people gain better understanding of biblical truth over time. In contrast, **progressive revelation** entails modification and enhancement of terms of biblical covenants over time. Because God's word is immutable in the same way that natural law is immutable, the fundamental descriptions of it in the biblical covenants can only be changed through better descriptions supplied by authorized individuals. Such change requires people who will keep absolute rational consistency between the immutable and the mutable. So the fundamental descriptions of immutable moral law can only be changed by those clearly designated by the Messiah to do so, like Moses the mediator of the covenant; the apostles designated by Christ; writers designated by those apostles; and the prophets, priests, and kings to whom God gave the special privilege of being vehicles through whom the rest of special revelation was written. So mutability arises out of substrates of immutability in **progressive revelation**. In contrast to **progressive revelation**, progressive understanding merely arises out of rational **exegesis**, and it makes no pretense to changing or in any

way superseding the Bible. Progressive understanding, to be valid, must be based on a reliable foundation of rational **exegesis**, *i.e.*, on reliable systematic theology. Reformed soteriology and the system of thought and **exegesis** behind it supply precisely that kind of rational foundation.

Given this understanding of God's will, **progressive revelation**, and progressive understanding, it's possible to focus on the Genesis 9:6 dormancy, the genocide that was allowable under that dormancy, the excessive punishment that has marked that dormancy, and the absolute ban on syncretism that characterized that dormancy. How can a group of people commit genocide against another group, claim to be God's chosen people, and claim to be the bearers of God's prescription of human law, all at the same time, and all with a straight face? Historically, scoffers have taken this array of claims by God's covenant people as sure signs of the irrationality, stupidity, arrogance, despotism, cruelty, psychopathy, and delusion of these people, their God, and their laws. Bible-believing people could have offered an easy answer to the scoffers, saying that the natural-rights terms of the Noachian covenant must have been dormant under the Mosaic covenant, thereby making it OK to commit "genocide". Of course this dormancy answer couldn't really satisfy anyone. For one thing, the dormancy claim is not entirely true, because Genesis 9:6 was not entirely dormant within the Mosaic covenant itself. For another, even if the dormancy claim is completely true, relying on it to excuse genocide couldn't satisfy anyone. The dormancy merely describes a state of human ignorance and decline. Everyone knows that bad things happen during bad times. That bad things happen in human history is entirely different from a covenant-keeping God mandating in the covenant that parties thereto be psychopathic murderers. So the dormancy cannot suffice as an excuse. — Another possible approach to answering the scoffers revolves around group-think. Throughout human history, people have been prone to follow the traditions of their group much more than they have been prone to follow natural law. So throughout the ***many-nations epoch***, group-think has been dominant over awareness of natural law, awareness of the sovereign Creator of natural law, and awareness of natural rights. So it might be facially plausible to posit group-think as an explanation for the genocide. But the group-think explanation, that the people were simply following one another in doing evil, is not well grounded in Scripture, and it therefore fails to carry the necessary weight here. — It's true that the genocide around which this scoffing revolves shows evidence of group-think on the side of the Israelites. This fact is certainly part of the answer, as surely as dormancy is part of the answer. But both dormancy and group-think are too facile unless they appear as part of a much larger explanation. Even though group-think needs to be included in this larger and more thorough answer to the scoffers' objections, one of the reasons it is inherently inadequate is because the biblical evidence clearly shows that the

genocide was mandated by God. The genocide was not merely an effect arising out of group-think or an act allowable only because people had forgotten that all people are created in the image of God and therefore have natural rights.

After Abraham's descendants and those party to his covenant were in Egypt for over four hundred years; after they were liberated by way of the sovereign acts described in Exodus; after major appendments to the existing covenant were made by way of the Mosaic covenant; and after wandering in the desert for forty years; these parties to this local covenant were on the verge of starting to take possession of the land that God had promised to Abraham, Isaac, and Jacob. Now that Abraham's descendants had turned into "a great nation", their *religious social compact* needed its own geographical jurisdiction, a jurisdiction more permanent than the *ad hoc* territory they occupied in their wanderings. God had promised the patriarchs a specific territory. Now that this wandering nation was finally about to take possession of part of that territory, there was one major obstacle. The territory was already in the possession of seven other nations.

If God's primary purpose in the establishment of the jurisdiction of the Mosaic covenant was to make sure that it was explicitly consistent with his global prescription of human law, then it's clear that God would have had his covenant people use some kind of free-market mechanism for the procuration of the promised land. Perhaps He could have loaded them down with so much wealth that they could simply purchase all that land from the existing inhabitants. Or perhaps God could sovereignly send some variety of plagues to rid the land of the existing inhabitants through "acts of God" unmediated by human hands. Or perhaps the promised land could have become available to the people by some other mechanism that did not cause the people to violate Genesis 9:6. But God didn't do anything to rid the land of the existing inhabitants in a way that would ensure explicit consistency between Genesis 9:6 and the land procuration. Instead, God had his people employ a strategy for ridding the land of the existing inhabitants that would ensure that his people would go down in history as genocidal murderers. At least they would be so classified by anyone who understood and believed in the bloodshed mandate in Genesis 9:6, and who could not mentally reconcile the genocide and the bloodshed mandate. Obviously, explicit consistency with Genesis 9:6 was not a primary concern in the establishment of the Mosaic covenant, or in Israel's taking possession of the promised land. Like the Abrahamic covenant, explicit consistency between the Mosaic covenant and Genesis 9:6 was not high priority. So the Genesis 9:6 *negative-* and *positive-duty clauses* remained largely dormant as they pertained to non-parties, even though they were implicitly included as terms of the covenant through the process of covenant appendment and amendment that's been described

above. The primary concern of the Mosaic covenant was the unfolding of objective-central redemption, not rational consistency with Genesis 9:6. Even though it's true that objective-central redemption was the core issue, somehow, if God is indeed rational, there must be some way to find rational reconciliation between the bloodshed mandate and the mandate to genocide.

Given that God's sovereignty is acknowledged as fact, it follows that if He wanted to destroy the entire human race, He could do that without incurring guilt of any kind. If He wanted to destroy all but a few people, ditto. If He wanted to have one group of people utterly destroy another group of people, thereby using the first group as a medium through which to execute justice under the natural law against the second group, ditto. God is by definition utterly sovereign. So what God made, God can treat as He pleases. Otherwise He's not genuinely sovereign. — The evidence indicates that in the Canaanite genocide, God did in fact use his covenant people as a medium through which to execute justice under the natural law against the indigenous nations. This line of reasoning makes it clear that because God is in fact sovereign, He suffers no guilt by mandating the Canaanite genocide. He could wipe those nations out through earthquakes, hurricanes, plagues, or other "acts of God", or He could wipe them out in precisely the manner He chose, by using His covenant people as a secondary cause. But even taking God's sovereignty as fact, anyone who claims that the Bible has rational integrity still has the burden to prove that there is rational integrity between the bloodshed mandate and the genocide mandate. Somehow, God's execution of justice under the natural law, by using humans as secondary causes, must be reconciled with the fact that this particular execution of justice causes these people, these secondary causes, to violate the Genesis 9:6 *negative-duty clause*, *i.e.*, to violate the natural rights of those prosecuted, many of whom would be innocent under the Noachian prescription of global human law, even though certainly not under the natural law.

In order to find rational consistency between the mandate against bloodshed, on one hand, and the mandate to perpetrate genocide, on the other, it's necessary to remember the priorities established by way of the sequence of events that led up to the genocide. The message of the ***anarchy era*** is that God esteems natural law much more than human law, and He encourages humans to be mediators in the enforcement of natural law only with serious reservations. The message of the Babel episode is that fallen miniature sovereigns would generally rather follow each other than follow God, truth, and natural law, and they are thereby prone to group-think. They generally see following the truth as being too much trouble, and as having too few rewards. As is clear in the story of the fall, in the environment outside the garden, humans tend to flounder in ignorance and grab for flotsam like drowning

men. They demand autonomy on one hand, and are terrified by it on the other. They clearly need leadership. But the Babel episode clearly indicates that the default leaders mis-lead. So God initiated the process of objective-central redemption by way of the Abrahamic covenant. He did this for the sake of supplying a leader who never mis-leads. The first phase of objective-central redemption would culminate in the earthly ministry of the ultimate leader, God manifest in the form of a sin-less human being. Between the initiation of the first phase of objective-central redemption via the Abrahamic covenant, and its consummation in the ultimate objective-central events of Christ's life on earth, God would provide leaders of Abraham's *religious social compact*. These leaders would not be sin-less, but they would at least recognize the superiority of this *religious social compact* over group-think. This *religious social compact* would be the foundation for what would eventually metamorphose into the New Jerusalem.

As has been made clear above, because God created miniature sovereigns as social creatures, it's not possible for individual humans to attain perfection in isolation. The development of individual perfection is inherently dependent upon the development of all of God's people collectively, each as a miniature sovereign. This society is necessarily based on agreement between the miniature sovereigns, where such agreement is based on the truth and is about the truth. Such agreement is necessarily based on the truth of the natural law, and not on flim-flam or falsity of any kind. There is ample biblical evidence that indicates that the *religious social compact* formed through the Abrahamic and Mosaic covenants is the foundation for the New-Jerusalem society. The evidence appears in passages like this one:

> And the LORD spoke to Moses saying, "Speak to all the congregation of the children of Israel, and say to them: You shall be holy, for I the LORD your God am holy."
>
> (Leviticus 19:1-2; **ESV**)

Even though the human parties to this covenant were fallen, fallible, and prone to miss the mark, the mechanisms necessary to keep the congregation, as a whole, holy, were built into the *social compact*. For this *religious social compact* to be holy, so much so that it is the foundation for the New-Jerusalem society, it needed to contain some core set of truths from natural law as the basis for agreement between the parties. Without such truths, and without such agreement, there is no reason to believe that this *religious social compact* was any better than any of the jurisdictionally dysfunctional *religious social compacts* by which it was surrounded. If the existence of such truths and agreement about such truths could not be established, then it's difficult to see any reason to believe this *religious social compact* was exceptional, and it's difficult to see why it should be OK for the people of this *religious social compact* to commit genocide against people of other *religious social compacts*. In fact, this

religious social compact does contain such core truths from natural law. The most profound are that God exists, is personal, is holy, keeps covenant, and never violates his own laws. Another profound set of core truths of the Mosaic covenant is that all human beings are created in God's image, and therefore have natural rights. This latter set of core truths was dormant, forgotten, and neglected under the Abrahamic covenant, even though they were necessarily terms because of the way the covenants must necessarily build on one another. As applied to parties, these human-oriented core truths came out of dormancy under the Mosaic covenant. As applied to non-parties, they did not come out of dormancy.

As is clear in the above exposition of the *positive-duty clause* and the *negative-duty clause*, the Mosaic covenant most certainly brought these clauses partially out of dormancy, at least in regards to cases and controversies between parties to the covenant. But because it's a fact that God commanded that parties to the Mosaic covenant execute genocide against seven nations, it's extremely difficult to see how the natural-rights terms of the Noachian covenant came out of dormancy in regard to non-parties. It's also difficult to see how natural rights came out of dormancy in regard to the Mosaic covenant's excessive punishments. It's obvious that by default all the laws of the Mosaic covenant were intended for covenant insiders, precisely as one would expect of a *religious social compact* that does not assume its global duties in regards to *jural* subject matters. The fact that the Noachian covenant was global did not emerge from dormancy. This is true even though the subject-matter jurisdiction of the *negative-duty clause* was articulated in more detail in the Mosaic covenant than had been articulated in the Noachian covenant or the Abrahamic covenant. Under the Mosaic covenant, the *in personam* jurisdiction of those Noachian terms remained pertinent only to parties to the Mosaic covenant, not pertinent globally.

In the fortieth year of wandering, after Aaron the high priest died on Mt. Hor (Numbers 20:23-29; 33:38-39), the Canaanite king of Arad fought against Israel. The Israelites "utterly destroyed them and their cities" (Numbers 21:1-3; **NASB**). Without more details, it's difficult to ascertain specifically what is meant by "utterly destroyed them", and whether this destruction was part of a "just war" executed by Israel. But the evidence provided by the record of Israel's subsequent encounters with the indigenous nations is sufficient to show that this utter destruction at Hormah employed the same *modus operandi* as was used throughout the conquest of Canaan.

After the Israelites' victory at Hormah, they migrated to the vicinity of the northeastern shore of the Dead Sea. There they warred against Sihon, the Amorite king of Heshbon. It's important to note that the Israelites deliberately avoided conflict with the Moabites, the Midianites, the Edomites, and the Ammonites

during this migration. These groups did not generally inhabit the targeted territory, and they were also distant relatives through Abraham, Lot, and Esau (Genesis 19:36-38; 25:1-6; 36:8-43; Deuteronomy 2). The Israelites' treatment of Sihon and his followers was completely consistent with their treatment of the Canaanites at Hormah. They took Sihon's cities, and they utterly destroyed the men, women, and children, leaving no survivors, in each city (Numbers 21:21-32; Deuteronomy 2:34). If they were attacked, and were therefore justified in retaliating under "just war" theory, it's also clear that they murdered non-combatants. So "just war" claims are not sustainable.

After utterly destroying Sihon and all of his people, the Israelites headed east towards Bashan. It's clear that Bashan's King Og and his followers perceived them as an invasion force. So again, there's no place for "just war" claims. Besides, they treated the Amorite King Og and his followers the same way they treated the Amorite King Sihon. They took all of his cities and utterly destroyed his men, women, and children, leaving no survivors (Numbers 21:33-35; Deuteronomy 3:3-7).

The *modus operandi* in the battles against the Canaanites at Hormah, against the Amorites near Heshbon, and against the Amorites near Bashan, is the same in each case. The Israelites utterly destroyed men, women, and children, leaving no survivors. There is no chance that this genocide can be justified on "just war" terms. — Although the biblical evidence is clearly against it, defenders of the Bible have sometimes claimed that the Israelites perpetrated this genocide through their own collective sin and fallibility. Positive *mitzvoth* 187-191 and negative *mitzvoth* 48-51 clearly provide biblical evidence that this claim is false. The biblical evidence clearly indicates that the Israelites perpetrated genocide by way of commandments from God, *i.e.*, through a covenantal obligation. Given that they did it through covenantal obligation, why did God command such pitiless and thorough annihilation?

In numerous places in the Pentateuch and Joshua, seven nations are listed as the targets of utter destruction: Amorites, Canaanites, Girgashites, Hittites, Hivites, Jebusites, and Perizzites.[1] These seven nations, at least in regard to their inhabitation of the promised land, were slated for utter destruction. Because the statement that God intends to drive these nations out, to destroy them, and to cast them out, is pervasive, it's clear that God is the prime mover of this utter destruction, and the Israelites are intended to be mere secondary causes thereof. It's therefore clear that any claim that the Israelites were perpetrating the genocide through their own fallibility simply does not fit the biblical facts. What fits the biblical facts is that

1 In some places six or fewer are listed, as at Exodus 3:8; 13:5; 33:2; 34:11; Deuteronomy 20:17; Joshua 9:1; 11:3; 12:8. At Deuteronomy 7:1; Joshua 3:10; 24:11, all seven are listed.

Moses and Joshua were not merely speaking on their own authority in directing the genocide, but they were acting as mediators of the covenant. It's clear that as prime mover of the genocide, God had each of these seven nations targeted for destruction. But the treatment of ancillary nations is somewhat different, and does not follow the same *modus operandi*.

After the Israelites had conquered Sihon and Og, and were again encamped in the vicinity of the northeastern shore of the Dead Sea,

> [T]he people began to play the harlot with the daughters of Moab. For they invited the people to the sacrifices of their gods, and the people ate and bowed down to their gods. So Israel joined themselves to Baal of Peor, and the Lord was angry against Israel.
>
> (Numbers 25:1-3; **NASB**)

Midian and Moab worked together to seduce Israel. Some of the Israelites were in fact seduced. As a result, a plague broke out in Israel. The plague was thwarted by capital punishment of those seduced. One of these Israelites brought the Midianite woman who seduced him into the camp. Phinehas killed both the Midianite woman and the Israelite (Num. 25:4-17). So the plague was abated. Thereafter, the Lord commanded Moses to "Be hostile to the Midianites and strike them" (Num. 25:17; **NASB**). The Israelites thereafter went to war against the Midianites, "killed the males", "the five kings of Midian", and Balaam the son of Beor. They did not kill the women or the children, probably because the Midianites were not one of the seven nations (Num. 31:3-10). Afterward, Moses, as mediator of the covenant, had all the male children and all the females who were not virgins killed, because it was the women who had been used to seduce (Num. 31:12-18). — This shows that during the period of the conquest, the Israelites did not always attempt to utterly annihilate their enemies. Because the Midianites were distant relatives, and because they did not inhabit the targeted territory, the Israelites didn't murder the Midianites' virgin daughters. But they murdered the rest of the men, women, and children. The word "murder" is being used here because this was essentially a war of aggression. There was no "just war" basis for it. The Israelites clearly escalated the situation. This claim that it's murder is based on the Bible's global prescription of human law. According to this global prescription, the Israelites during the conquest were definitely committing mass murder. But it was murder prescribed by God.[1]

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1 Because the perpetrators are all long dead, no 21st-century human has any basis for calling for justice against any living human or group of humans based on this genocide. This is at least true under the prescription of global human law, which would be the only lawful basis for such a claim.

Even though this is clearly mass murder under the Bible's prescription of global human law, the fact that it is murder mandated by God as part of the authority of His holy covenant changes the overall nature of the murders entirely. As Vos says,

> The statement that God commands Abraham to offer up Isaac distinctly implies that in the abstract the sacrifice of a human being cannot be condemned on principle. It is well to be cautious in committing oneself to that critical opinion for it strikes at the very root of the atonement.[1]

Even though humans are obligated to obey the global prescription of human law, God is not. God knows who is saved and who is not. Humans don't. God also knows what humans deserve to die, how, and when. Despite arrogant claims to the contrary, humans don't know such things, except when the global prescription of human law leads clearly to capital punishment.[2] God also knows what nations deserve to be exterminated, how, and when. Generally, humans don't know such things. However, if God clearly communicates to some human or group of humans that He wants such human or group of humans to act as secondary cause in His termination of one or more human lives, then anyone who values their friendship with God needs to do as He directs. With this said, it's important to note that when objective-central redemption officially ended with the ascension of Christ, so did God's extraordinary callings to murder. This leads one to question why such God-ordained murders were included in laying the foundation for objective-central redemption.

God's explanation for the Canaanite genocide has been given explicitly:

> "Do not say in your heart when the LORD your God has driven them out … 'Because of my righteousness the LORD has brought me in to possess this land,' but *it is* ***because of the wickedness of these nations*** *that* the LORD is dispossessing them before you. It is not for your righteousness or for the uprightness of your heart that you are going to possess their land, but *it is* ***because of the wickedness of these nations*** *that* the LORD your God is driving them out before you, ***in order to confirm the oath*** which the LORD swore to your fathers, to Abraham, Isaac and Jacob. Know, then, *it is* not because of your righteousness *that* the LORD your God is giving you this good land to possess, for you are a stubborn people."
>
> (Deuteronomy 9:4-6; **NASB**, ***emphases*** added)

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1 Vos, p. 92.

2 Which, by its nature, includes the prosecution of "just war".

This clearly shows that God demanded that these seven nations be eliminated from the promised land because they were wicked, and he did not want His nascent Church polluted by this evil influence. It's also clear that driving them out was a necessary precursor to giving the Israelites undisputed possession of the promised land. — The claim that these nations were wicked begs the question: What's the nature of such evil? Moses clearly answers that question:

> "When the Lord your God cuts off before you the nations which you are going in to dispossess, and you dispossess them and dwell in their land, beware that you are not ensnared to follow them, after they are destroyed before you, and that you do not inquire after their gods, saying, 'How do these nations serve their gods, that I also may do likewise?' You shall not behave thus toward the Lord …, for every abominable act which the Lord hates they have done for their gods; for they even burn their sons and daughters in the fire to their gods."
>
> (Deuteronomy 12:29-31; **NASB**)

So each of these seven nations was guilty of abominable acts, the most prominent class of such acts being child sacrifice. They roasted their children the same way Israelites offered animals as burnt offerings. Moses continues:

> "When you enter the land which the Lord your God gives you, you shall not learn to imitate the detestable things of those nations. There shall not be found among you anyone who makes his son or his daughter pass through the fire, one who uses divination, one who practices witchcraft, or one who interprets omens, or a sorcerer, or one who casts a spell, or a medium, or a spiritist, or one who calls up the dead. For whoever does these things is detestable to the Lord; and because of these detestable things the Lord your God will drive them out before you. You shall be blameless before the Lord your God. For those nations, which you shall dispossess, listen to those who practice witchcraft and to diviners, but as for you, the Lord your God has not allowed you *to do* so."
>
> (Deuteronomy 18:9-14; **NASB**)

So abominable acts included not only child sacrifice, but also divination, witchcraft, interpretation of omens, sorcery, casting spells, being a medium, being a spiritist, and necromancy. It also included giving heed to such witchcraft and divination.

It's important to notice a crucial distinction here. The distinction is that roasting children is murder, and is therefore a *delict* under Genesis 9:6; but none of these other classes of witchcraft and divination is a *delict*. It's clear that the Mosaic covenant gloms *delicts* together with prohibitions that arise as local terms of

the local *religious social compact*, without marking the fact that one type of term is grounded in the global covenant, and the other is not. So *delicts* and *delict*-free *mala in se* (*mala prohibita*) were not distinguished under the Mosaic regime, although they must be distinguished under the biblical prescription of global human law. — Given that the witchcraft and divination classes of *mala prohibita* are detestable, abominable, and evil, the reason is because they are first idolatrous. The same is true of *delicts* like murder.[1] But *delicts* are violations of natural rights, whereas *delict*-free *mala in se* are not. Making these distinctions was clearly not paramount in those days. It was far more important to the covenant, meaning to all parties thereto, to distinguish syncretistic activities from activities that conform to the terms of the covenant. To keep these syncretistic activities in perspective, both those that are *delictual* and those that are not, it's important to bear in mind the dictum that's fundamental to this booklet's interpretation of the Edenic and Adamic covenants: In order for humans to live eternally as spatially finite entities, it's essential for them to ***know what they need to know when they need to know it, so that they choose what they need to choose when they need to choose it, so that they do what they need to do when they need to do it, where need is defined in terms of the avoidance of missing the natural-law mark***. Sin, missing the natural-law mark, is the source of death. Living in complete obedience to God is the opposite of living in sin. That doesn't mean that obedience, taken alone, is necessarily good. Whether it's good or not depends upon whether the standard one obeys is a good standard or a bad standard, a Godly standard or a satanic standard. Deviation from the Godly standard is the essence of sin and death. This is why every kind of sin is primarily deviation into idolatry. So missing the mark always starts as valuing as god something other than God and His ways, which means valuing disobedience to natural law more than obedience to natural law. That deviation is the essence of all sin, regardless of whether the sin manifests as a *delict* or not. It's critical to understand both *delicts*, like child sacrifice, and *delict*-free *mala in se*, like divination, witchcraft, interpretation of omens, sorcery, casting spells, being a medium, being a spiritist, and necromancy, as being wrong above all else because they are idolatrous.

Given that syncretism is the attempted reconciliation and merger of terms and practices of distinct *religious social compacts*, syncretism at its best involves the processing of input from a foreign culture, so that one understands such input, and it involves making decisions about how to respond to such input. From this perspective, syncretistic input is just one more kind of input, among a huge array of kinds, that one must process in order to avoid idolatry. So syncretism is certainly a challenge to

1 This is evident by the fact that valuing anything more than God is idolatry, and idolatry is the sin at the core of every other kind of sin.

individuals. But it's also a challenge to *social compacts*, because societies and *social compacts* must also ***know what they need to know when they need to know it, so that they choose what they need to choose when they need to choose it, so that they do what they need to do when they need to do it, where need is defined in terms of the avoidance of missing the natural-law mark***. The same way following this dictum is necessary for the eternal survival of an individual, it's necessary for the eternal survival of any kind of society. Like every individual, every society must have decision-making mechanisms to keep from sliding into idol worship. For example, if the Girgashites' practice of necromancy were treated by a party to the Mosaic covenant as something worthy of assimilation, then that party would have gone out of his/her way to learn how to practice necromancy. Whatever he/she learned would be input, first to his/her self but secondarily to the Mosaic community as a whole. Because humanity in general suppresses the truth of God's existence (Romans 1:18-32), whatever spirits the foreign practitioner would call up would be likely to be demonic. So the potential for genuinely reconciling the foreign practice with the God-centeredness of the Mosaic covenant would have been extremely low. The explicit position of the Mosaic covenant was that it was impossible to reconcile the two, and that any attempt at reconciliation should not be made by any party. So if the party were to go to learn necromancy at some kind of necromancy ceremony, the events at that ceremony would be input into the party's perceptual system. Because the inputs are not processed in such a way as to maintain God-centeredness and eliminate idolatry, these inputs would be essentially poison, meaning improperly or inadequately processed stress. These inputs would be a kind of food that could not be properly digested. Such inputs therefore generally act as a kind of poison. Such inputs generally thereby contribute to missing the mark in the **psychic**, mental, and **physical** spheres. So going to a necromancy ceremony would have been essentially opening a portal for the processing of input, where the perceiver utterly lacked the endogenous equipment necessary for the proper processing of the input.

It's crucial to understand the relationship between this prohibition of syncretism and the proper processing of input. If the input were processed properly, then the proper processing would be accompanied by evidence that the syncretist knew what he/she needed to know when he/she needed to know it, and did what he/she needed to do when he/she needed to do it, so that the syncretist didn't suffer the dire consequences of missing the mark. The capacity to completely avoid missing the mark is not available to any fallen human prior to the New Jerusalem. So how could the syncretist deal with such imperfection? The Mosaic solution to this problem was to avoid syncretism entirely, even to the point of killing any party caught trying it. Under such circumstances, any party contemplating the intake of such dubious inputs needed to meditate on something else, because not only was it extremely

unlikely that he/she possessed the mental equipment for processing the input, but participation in such banned activities also involved his/her violation of a *religious social compact* that he/she had supposedly entered voluntarily.

Although it's certain that the system of biblical covenants starting with the Abrahamic covenant was promulgated for the sake of objective-central redemption, it's also crucial to understand that this system of covenants was also promulgated as a system that would eventually metamorphose into the New Jerusalem. This means that the society formed by way of the Mosaic covenant had a kind of permanent cohesion. The same way that for God's regenerate, "all things work together for good to those who love God, to those who are called according to *His* purpose" (Romans 8:28; **NKJV**),[1] "all things work together for good" for God's Church, even for the "church under age"[2] of the Abrahamic and Mosaic paradigms. This means that both in the case of the regenerate and in the case of God's Church of all ages, there is some core coherence that is permanent, in spite of the imperfections of both individuals and social entities. The core truths of the local covenant act as the core features of such coherence for both parties and the covenant community as a whole. Because these core truths never change even though the descriptions thereof may, such coherence is perpetual. This fact about the core nature of the Mosaic covenant has profound implications for the whole process of syncretization and fusion of different systems of belief and practice. It also has huge implications for any attempt at justifying the Canaanite genocide, and at recognizing the Genesis 9:6 dormancy and its subsequent abrogation.

As Vos said, "Under the providence of God each race or nation has a positive purpose to serve, fulfillment of which depends on relative seclusion from others."[3] There is ample biblical evidence that shows that this claim is true. But there is nevertheless this major problem in explaining how to reconcile this claim with the Mosaic covenant's severe anti-syncretism. Merely claiming that the anti-syncretism exists to ensure "relative seclusion from others" does not suffice, because this covenant is the prototype for the New Jerusalem, which inherently requires that all these sundry nations be syncretistically united into a single belief system. This predicament is resolved by recognizing two things: (i)There's a distinction between nations that arise out of the Bible's local covenants and nations that do not arise out of these local covenants. (ii)The Mosaic covenant had this severe anti-syncretism as a necessary prerequisite to the advent of the Messiah on earth.

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1 Meaning that the ***know-choose-do*** dictum stated above applies to such regenerate even though they are still sinners.

2 WCF, Ch. 19 § 3.

3 Vos, p. 60.

(i)The biblical covenants are based on core truths that are in many respects held uniquely by nations based on such covenants. For example, among such core truths are, God exists, is personal, is holy, keeps covenant, and never violates his own laws.[1] In contrast to this, for example, the culture out of which Pythagoras arose was missing numerous of these core truths. Likewise, the philosophy and mathematics that he developed based on whatever data were available to him in his culture, also missed such core truths. Because his system lacked these core truths, and for numerous other reasons as well, his system doesn't qualify as the prototype for the New Jerusalem. Even so, because the Pythagorean Theorem is fundamental to modern mathematics, his school stands as evidence of how "each race or nation has a positive purpose to serve". Something very similar to what is being said here about Pythagoras' mathematics can be said about Aristotle's logic. Such logic and mathematics are not mere vain creations of heathens that need to be offscoured with the heathens themselves. They are truths of natural law that were discovered by people who were alien to the local covenants. Because all truth is God's truth, syncretism in regard to such truth is appropriate, as long as it doesn't promote idolatry. At least it's appropriate in the overall scheme of things. These two examples, syncretism in regard to Pythagorean thought and Aristotelian thought, are only two among a vast array of pagan ideas and practices that have been turned to valuable use by the Church. Vast arrays of medicines, materials, crops, practices, perspectives, *etc.*, are now employed by genuinely Christian people in a way that certainly enhances the visible Church, where such things had their origins in pagan, idolatrous cultures. This is the good side of syncretism. There's no good reason to believe that such syncretism should be terminated in the present times. But problems arise when there is inadequate reconciliation of such pagan things with the sovereignty, righteousness, and holiness of God. Because the Israelites at the time of the Canaanite conquest had such a shallow grasp of the core truths of their covenant, and the covenant mediator certainly knew well about their shallowness, it was necessary to make severe anti-syncretism a hard and fast rule. This fits neatly with the fact that the primary and immediate purpose of the Mosaic covenant was not to pose as the foundation of the New Jerusalem, even though it was, but to prepare for the advent of the Messiah in objective-central redemption. The core of objective-central redemption was the Messiah himself. Syncretism would need to wait until after the Messiah's ascension. After that, it could be carried on only with great care focused specifically at maintaining the God-centeredness of the *religious social compact*. — In conclusion, when Vos says that "each race or nation has a

1 Any Reformed systematic theology should provide a more exhaustive list of such core truths.

positive purpose to serve", it must be true that such "positive purpose" pertains to some non-core aspect of natural law, with the exception of nations that arise out of the local covenants, whose "positive purpose" pertains primarily to core aspects of natural law, and to non-core aspects only in a very secondary sense.

(ii)The Messiah is holy. To come to earth as a human being, it was necessary for Him to come as a social being. To exist as a social being, there must be basic agreements that allow the society to exist. For a holy being to exist in a society, the society must at least have commitments to such holiness. Otherwise there would be too much friction for the Messiah to even grow up in such a society. To prepare this society for the advent, it took hundreds of years and monumental strife. It also took severe anti-syncretism. If the people had been attempting syncretism, as though such attempts were OK, it would essentially be the destruction of the covenantal walls, the destruction of jurisdictional boundaries, and the loss of the milieu conducive to the advent. Severe anti-syncretism was therefore absolutely crucial to the establishment of the proper environment for the advent of the Messiah and the consummation of objective-central redemption.

Only by recognizing the importance of objective-central redemption and the importance of this prototype of the New Jerusalem, is it possible to fully excuse the Canaanite genocide. Given that this *religious social compact*'s core coherence is genuinely perpetual, the collective organism created by way of this covenant must operate cognitively in a way that is similar to the way a regenerate party must operate. In other words, the basic *modus operandi* of the individual saved sinner is close to identical to the *modus operandi* of the local covenant's perpetual community. The mechanism that allows the regenerate individual to be perpetual is the same as the mechanism that allows the covenant community to be perpetual. To be perpetual, the society must know what it needs to know when it needs to know it, so that it does what it needs to do when it needs to do it, so that the community's coherence does not suffer ultimate incohesiveness.

Because positing the covenant community as though it were an individual may appear to concede the validity of group-think, it's important to delineate distinctions here. Group-think has no inherent commitment to natural law. It therefore carries an inherent propensity towards social disintegration. Once the herd is running fast in the direction of going over the cliff, the herd is clearly aimed at disintegration. Agreement, by itself, cannot change natural law any more than an edict from a tyrant can change natural law. — In contrast to group-think, a perpetually existing community must recognize the cliff and turn from it before going over. It must take recognition of natural law as crucial to its perpetuity. As a subset of this emphasis on natural law, there must necessarily be a commitment to jurisdictional boundaries,

which necessarily entails a commitment to natural rights. — Now that the operation of this perpetually existing community is distinguished from group-think, it's necessary to see the implications for the Canaanite genocide.

In order for the Canaanite genocide to be justified, it's necessary for there to be certainty that what God was doing by mandating the genocide was justified. This begs the question, What was God doing by mandating the genocide? — In mandating the Canaanite genocide, God was doing what was necessary under the *modus operandi* of a perpetually existing community. The people party to the Mosaic covenant did not know what they needed to know when they needed to know it, so that they did what they needed to do when they needed to do it, so that each party, as an individual, would have a perpetual existence. This failure goes with being fallen creatures who are destined to die. But the Mosaic covenant was intended to establish a perpetual community, the nascent Church, which would not succumb to incoherence in any ultimate sense. Given the propensity to disintegration, the depravity of the human race at the time, and the prevalence of group-think based societies at the time, the propensity to incoherence that would need mitigation would be massive.

Essentially, no other *social compact* on earth has ever had the prerequisites for a perpetual existence. All other *social compacts* have been designed by their creators and maintainers to either disintegrate or be assimilated into Bible-based *social compacts*. Regardless of human intentions, they're all either destined for assimilation into a *secular social compact* or for complete disintegration.[1] So when Vos says that "each race or nation has a positive purpose to serve", it must be admitted that "positive purpose" can have a rather Machiavellian meaning. Did each of these seven nations that practiced ritual murder have a "positive purpose"? Only in the sense that Hitler and Nazism had a "positive purpose". Hitler led group-think sheep over the cliff. Given a few more A-bombs, it could have easily led to the complete annihilation of the German people. The Allies would have done this if they had thought it necessary to their survival. Likewise, God covenantally mandated the annihilation of the seven nations because at least trying to drive them out of the Mosaic *social compact*'s designated geographical jurisdiction was a necessary prerequisite to that society's perpetual existence. A standard needed to be established: "We will not tolerate these things within the geographical jurisdiction of our *religious social compact*." This legal posture was a necessary precursor to establishing the *religious social compact*'s perpetual existence. The Mosaic covenant essentially created a social organism. For

1 This is not a prescription of what should happen. It is a description of what has been happening and what will continue happening all the way to the gates of the New Jerusalem.

this organism to exist perpetually, it must know what it needs to know when it needs to know it, so that it does what it needs to do when it needs to do it, where need is defined in terms of not missing the natural-law mark. All they needed to know at the time of the Canaanite conquest was that all the religious practices of the seven nations were evil, and these nations had to be eliminated without mercy. Because the entire redemption is dependent upon the existence of this perpetually existing society, the Church, the needs of this society took priority over the natural rights of those in the seven nations. The merciless annihilation of those seven nations for the sake of redemption by way of this perpetually existing society and its Messiah was much better than no redemption at all. The choice being between the combination of genocide for some with redemption for many, on one hand, versus no redemption for anyone, genocide, under these very peculiar circumstances, becomes a necessary and acceptable aspect of what must unfold historically.

Although it's true that this covenant is absolutely crucial to the ultimate survival of any human, it's also true that its human parties are fallen, fallible, and error prone. This Mosaic society is therefore vulnerable to being led astray by the parties' propensity to group-think. This is precisely why the history of these people appears to manifest as much foolishness as any other history. But this history also shows the difficulty of this whole period of the Genesis 9:6 dormancy. The demand that God made on these people was, and is, that they be holy, even as He is holy, and that they act as impartial instruments of justice against the seven nations, the same way the wind, waves, and water was God's impartial instrument of justice during the flood. A big question during the genocide was whether they would be capable of that kind of impartiality. It was the same kind of impartiality that's required of a court in the execution of justice against a *delict*. As indicated by Deuteronomy 7:16, the covenant people were called to this objective, pitiless approach to the seven nations. But as Psalm 106:33-40 indicates, they were not very successful at it. The *modus operandi* used in the Canaanite conquest under Joshua was the same as the *modus operandi* that had been initiated in the Transjordan under Moses. But the people had only partial success. Even so, as one would expect of a society destined for perpetual existence, and as confirmed by biblical passages like Genesis 50:20 and Romans 8:28, the basic knowledge gained by the genocide is that the perpetual existence of this line of covenants is more important to human life than anything except God himself. So the perpetual existence of this line of covenants is certainly more important than global natural rights when natural rights are taken as separate from the local covenants. This is true even though it may also be true that there are numerous parties to the Mosaic covenant who sell out to group-think, and who are even prone to psychopathy of the most tragic sort.

The same way that God can sovereignly save individuals, God can sovereignly save *social compacts*. God sovereignly chose to establish the Mosaic *social compact* by destroying the *social compacts* of those seven nations. Because God is God, God can choose to execute such destruction by whatever secondary causes God pleases. God can destroy displeasing humans by flood as a secondary cause, or God can destroy them by using other humans as a secondary cause. The message of the mandated Israelite extermination of all the existing inhabitants of the promised land is clear: God is sovereign over every human soul, over every human body, and over every human *social compact*. God is not obligated to abide by the human law that God mandates humans to live by. To lay the foundations for objective-central redemption, God mandated that the human parties to a specific *social compact* violate the human law that God mandated they generally obey. God did this for the sake of establishing a *social compact* destined for perpetual existence. The enforcement of the natural rights subset of the moral-law leg of the natural law tripod would be necessarily trumped, during this period of objective-central redemption that preceded the Messiah's advent, by the most important subset of the moral-law leg, the subset pertinent to humanity's relationship with God. During this unique era, the natural rights subset of the moral-law leg would be so utterly trumped that the mandate to enforce natural rights would be utterly ignored for the sake of establishing a *social compact* dedicated primarily to the human-relationship-with-God subset of the moral-law leg. Without this unique occasion, it's unlikely that this *social compact*, the Church, would have ever been established. This was a unique situation that has never existed since. There is no reason to think that it could ever exist again.

Because it was God who created natural rights, and God who mandated their protection, only God has authority to override them. Natural rights create limits and obligations for humans, and only for humans. Because God mandated the genocide, it was not a violation of natural law, but an enforcement of it. The Mosaic covenant established a prototype of the kind of society in which all parties honor God above all else, and all parties honor the image of God in all other parties. A society based on these priorities is based on something that is utterly contrary to a society based on group-think. Group-think esteems the opinions of men more highly than natural law, truth, and God. In fact, natural rights can be esteemed to the exclusion of natural law in general, holistic truth, and the prime mover behind it all. This is the underlying message of group-think: Beware! Natural rights can be turned into an idol just like virtually all other aspects of creation. Because of this fact that natural rights can be thus perverted, in the ***many-nations epoch***, it's necessary for God to deal with humans on the extremely crude basis to which they have devolved. Humans have devolved to a status at which they worship all kinds of idols, and at

which they trash natural rights even to the point of sacrificially roasting children and selling body parts as part of a mass abortion movement. Against this backdrop, to lay a foundation for objective-central redemption and the New Jerusalem, God built this *religious social compact* from scratch, starting with one person, Abraham. God did not do this to make these people better than other people, although that may be a side effect. He did this for the sake of objective-central redemption and the New Jerusalem. These people, then and now, are only good to the extent that they are utterly committed to these purposes. These purposes justify the Genesis 9:6 dormancy, the genocide, and the ban on syncretism. This is especially true given that the Messianic covenant abrogates the dormancy, abrogates the ban on syncretism,[1] and justifies the genocide.

(iv) Conclusions Regarding the Mosaic Covenant

The Mosaic covenant has all the attributes necessary to make it a bona fide contract, even a contract to which God is party. Although the rabbis did not organize the 613 *mitzvoth* into subject-matter jurisdiction, *in personam* jurisdiction, and territorial jurisdiction, sufficient scholarly effort could certainly make that reorganization happen. Most of the above commentary on the 613 *mitzvoth* is focused on subject matter. To conclude this booklet's examination of the Mosaic covenant, it's prudent to extend the commentary a little in regard to territorial and *in personam* jurisdictions.

Commentary on the territorial jurisdiction of the Mosaic covenant can be summarized with commentary on a single, simple fact: Because of the scoffing and unbelief of the Israelites, God postponed their entrance into the promised land by forty years, thereby allowing the generation of scoffers to die like flies in the wilderness before entering into the land flowing with milk and honey. This is the same treatment that God has used on the Israelites throughout their existence as a people. Their covenant cannot be implemented in its fullness without their sovereign occupation of their allotted territorial jurisdiction. Their collective commitment to humility, righteousness, and holiness must be relatively high before God will allow them entrance into and occupation of their territory. When they gain entrance, they are prone to operate in righteousness for a time, then to backslide into serious theological and practical error. At some point their collective thoughts, speech, and behavior become so reprehensible that God eliminates them from the land, with

1 Or, to be more precise, the Messianic covenant demotes the ban on syncretism so that it is adiaphoristic or second-order doctrine to genuinely Christian people, thereby being subject to normal discipleship aimed at the glorification of God and the elimination of idolatry.

only a remnant core to carry on being God's Church on earth. Since the destruction of Jerusalem in 70 A.D., the subsequent Jewish diaspora, and the Christianization of major portions of Gentile populations, this vacillation between wilderness and lawful occupation of territory continues, both among remnant Judaism and among the Gentile churches. The Jews "are Israelites, and to them belong the adoption, the glory, the covenants, the giving of the law, the worship, and the promises" (Romans 9:4; **ESV**). But they are a people who failed to keep progressive understanding up to speed with **progressive revelation**, and that failure led them to reject their own Messiah. That failure resulted in God eliminating them from their territory for almost two thousand years. The Gentile part of remnant Israel is certainly vulnerable to a similar failure. But following biblically sound doctrine, over the last two thousand years, Christians have sometimes been in control of their governments, and have thereby essentially occupied their promised territory for a time. Then they backslide, and their understanding of biblical doctrine fails to meet the needs of their offices, and pagans eventually take control of those offices, and the Christians are thereby put out to the wilderness. In recent decades, the Jews are in some respects back in their allotted territory. But in America, which is the heir to the English Reformation and to the best of Christendom, pagans have been displacing Christians in governmental offices on a massive scale for at least as many decades. So the challenge of keeping progressive understanding up to speed with **progressive revelation** is a major challenge to all aspects of God's Church on earth, and that challenge is intimately related to territorial jurisdiction.

The examination of *in personam* jurisdiction is a bit more complex. It is intimately related to the above examination of circumcision in the Abrahamic and Mosaic covenants, relative to the Messianic covenant. The *in personam* jurisdiction of the Abrahamic covenant included Abram, his family, and his offspring, and emphatically not all humanity in general. The Mosaic covenant is also emphatically local and familial, and not global. But the Mosaic covenant makes a more explicit place for adoptees to participate in the covenant. The Messianic covenant, though still local, familial, and fundamentally a *religious social compact*, expands the place for adoptees to the point at which Christ's "great commission" tells the disciples to "Go … and make disciples of all nations, baptizing them" (Matthew 28:19; **ESV**). As has been indicated above, baptism is the Messianic covenant's substitute for circumcision. It is a sign of participation in the local covenant.

The Great Commission is obviously a mandate to massive adoption into the covenant that originated with Abraham. As indicated above, in the discussion prior to the examination of the Mosaic covenant, there is a major distinction between the obviously voluntary nature of participation in the Messianic covenant and the

more involuntary participation in the Abrahamic and Mosaic covenants. That distinction can be attributed to the implicit abrogation by the Messianic covenant of the Genesis 9:6 dormancy. That abrogation demands that the Lockean consent that has characterized the Abrahamic and Mosaic covenants must also be abrogated. In other words, Lockean consent being characterized by circumstances in which true cognitive consent is only necessary to founders of covenants and *social compacts*, and not to subsequent generations, it must be abrogated in favor of circumstances in which every true party must provide cognitive consent in order to participate. The fact of these new circumstances is proven by **progressive revelation** that exists in the New Testament, as will be evident in specific examination of the Messianic covenant. Even though this is true, progressive understanding has lagged behind **progressive revelation** on this front as well as on many others.

The conclusion in regard to *in personam* jurisdiction is that it's certain that circumcision has been abrogated for non-Jewish Christians and is now adiaphoristic, while for Jewish Christians also, it has been demoted to adiaphora or second-order doctrine and practice.

This examination of the Mosaic covenant has been focused entirely on the *Torah*, and has not examined historical narrative in the rest of the *Tanakh*. That's because the terms of the covenant, *per se*, are given in the *Torah* and not in the *Tanakh*. Searching through the historical narrative outside the *Torah*, one finds little occurrence of the jurisprudential genre. One may find case law scattered here and there, such as Solomon's judgment in the dispute between the two women over a child (1Kings 3:16-28). But such case law does little or nothing to change the terms of the Mosaic covenant. One also finds evidence of contracts that are not blood covenants with God, such as treaties, alliances, commercial contracts, *etc.* But even though there is ample historical narrative in the remainder of the *Tanakh*, almost none of it is jurisprudential genre that is covenantal. The exception to this rule is the Davidic covenant (2 Samuel 7:1-17). This is a covenant mediated by Nathan the prophet, between God and King David. The part of this covenant that is pertinent to Christians appears in verse 16, in which God tells David, ""your house and your kingdom shall be made sure forever before me. Your throne shall be established forever."" (**ESV**) This promise is fulfilled in perpetuity by the ascension of King Jesus to His heavenly throne. Although this is an extremely important facet of objective-central redemption, and although it's extremely important for every Christian to acknowledge that Jesus is now occupying David's throne, and is King not only over David's kingdom, but over the entire universe, the Davidic covenant has little bearing on the discovery of basic jurisdictional principles. That's why this booklet is not focusing on the Davidic covenant as one of the principal covenants

of the Bible. — The conclusion is that there are no other passages in the *Tanakh*'s historical narrative that need to be examined as existing within the jurisprudential genre of literature. So it's now fitting to move on to the New Testament.

The conclusion in regard to the Mosaic covenant is well given by the Westminster Confession of Faith:

> Although true believers be not under the law, as a covenant of works, to be thereby justified, or condemned; yet is it of great use to them, as well as to others; in that, as a rule of life informing them of the will of God, and their duty, it directs and binds them to walk accordingly; discovering also the sinful pollutions of their nature, hearts, and lives; so as, examining themselves thereby, they may come to further conviction of, humiliation for, and hatred against sin, together with a clearer sight of the need they have of Christ, and the perfection of his obedience. It is likewise of use to the regenerate, to restrain their corruptions, in that it forbids sin: and the threatenings of it serve to show what even their sins deserve; and what afflictions, in this life, they may expect for them, although freed from the curse thereof threatened in the law. The promises of it, in like manner, show them God's approbation of obedience, and what blessings they may expect upon the performance thereof: although not as due to them by the law as a covenant of works. So as, a man's doing good, and refraining from evil, because the law encourageth to the one, and deterreth from the other, is no evidence of his being under the law; and, not under grace.[1]

There is a difference between necessary law keeping and morality, on one hand, and meritorious law keeping and morality, on the other. Keeping the moral law is obligatory, but keeping it does not merit salvation, unless it's kept perfectly, something that no fallen human can do. Salvation is by grace alone, a free gift. The moral law is the will of God. A Christian is a person who is determined to do the will of God. Keeping God's law is evidence of one's love for Christ. "If you love me, you will keep my commandments." (John 14:15; **ESV**)

1 WCF, Chapter 19, "Of the Law of God", § 6.

Part III:

The Reformed Hermeneutic with Sanction of the Jurisprudential Genre

(Chronological Exegesis of Secular Human Law in the New Testament, especially Romans 13:1-7)

Part III, The Reformed Hermeneutic with Sanction

Part III

Chapter 12:
The Messianic Covenant:
A Local Covenant
(*Law-Enforcement Epoch* — Matthew 1:1-Revelation 22:21)

Like the Abrahamic and Mosaic covenants, the Messianic covenant has been studied by God-centered, Christ-exalting people for centuries. So it doesn't require the kind of breakdown into components that this booklet has presented regarding the Edenic, Adamic, and Noachian covenants, *i.e.*, the global covenant. Nevertheless, what's needed before focusing on Romans 13 passages is the establishment of the jurisprudential context of the Messianic covenant. To a huge extent, that's what has been presented up to this point in this booklet. But to keep that jurisprudential context in the Messianic covenant, it's important to remember that each subsequent covenant builds on the previous covenant. Before focusing on Romans 13 passages, this booklet should demonstrate the *in personam*, territorial, and subject matter jurisdictions of the Messianic covenant to keep such context. It's also important to remember that Genesis 9:6 consists of three clauses, the *negative-duty clause*, the *positive-duty clause*, and the *motive clause*.

Sub-Chapter 1:
In Personam Jurisdiction

The *in personam* jurisdiction of the Messianic covenant relates intimately to the offer of partnership in the covenant.[1] — In the original Passover (Exodus 12:1-13, 21-23, 28-29), a clear option was given to the descendants of Abraham, either to mark their doors with blood and be passed over, or to suffer the plague that went through Egypt that night. If any of the descendants of Abraham in Egyptian slavery didn't want to be party to the covenant that God made with Abraham, Isaac, and Jacob, and that He was reaffirming with Abraham's progeny through Moses, then it would have been appropriate for them to refuse to put the blood on the door. Given that the Mosaic covenant is based on the consent of the parties, as has been proven above, the blood on the doorposts and lintels was a sign of that consent. But it's possible that someone was in one of those marked houses without actually consenting to be party to this newly emerging covenant. Even so, there would be ample opportunity after that night for any of Abraham's descendants to reject participation. As long as

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1 For a more thorough treatment of the *in personam* jurisdiction of the Messianic covenant, see Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 10, *c*, "*In Personam Jurisdiction*". — URL: http://BasicJurisdictionalPrinciples.net.

people were going along with the covenantal agenda being presented to the people by Moses, each such person was affirming that he/she was a party to the covenant. So the *in personam* jurisdiction of the Mosaic covenant was defined according to those who volunteered to be party to it. God originally offered this covenant to Moses (Exodus 3:1-4:17), then to Aaron (Exodus 4:28-30), and then generally to the descendants of Abraham who were in Egyptian bondage. In subsequent generations, it was offered by default to the offspring of adult parties. It was also offered to slaves and proselytes (Exodus 12:48).

Given that Genesis 9:6 has been a largely dormant term throughout post-diluvian human history, it should surprise no one that the normal understanding of the *in personam* jurisdictions of both the Mosaic and Messianic covenants diverges some from an understanding that emphasizes natural rights. For example, Christian arguments for paedobaptism sometimes claim that,

> In the Old Testament, circumcision was the outward *sign* of entrance into the covenant community or the community of God's people. Circumcision was administered to all Israelite children (that is, male children) when they were eight days old.[1]

It's obvious that at eight days old, no child has cognitive capacity to consent to such a contract. Any claim that the child has given pre-cognitive, tacit consent to being party to such a covenant has an insurmountable burden to prove the existence of such consent. In contrast to the parent-child *bailment* contract, in which evidence of the *bailment* exists in the pregnancy, there is no evidence at eight days old that the infant is voluntarily participating in the Mosaic contract.[2] Under such circumstances, circumcision cannot be a sign that the infant is genuinely party.[3] So circumcision cannot be a sign that the child is entering into the covenant, so it cannot be a sign

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1 Grudem, p. 975. — See Genesis 17:12-14; 21:4; Leviticus 12:2-3.

2 Evidence that the prenatal human has given tacit consent to the *bailment* contract is obvious because it's obvious that his/her natural rights are either *bailed* into the possession of the *bailee*, or they don't exist. The claim that they don't exist violates the *motive clause*, and the claim that this prenatal entity is not human violates science. — Porter, **A Memorandum of Law & Fact Regarding Natural Personhood**. — URL: http://BasicJurisdictionalPrinciples.net.

3 Some passages in the Bible may be interpreted as implying that circumcision is a sign of covenant participation, even for infants. But to be technical, it's simply not possible for an infant to give consent to a contract that demands cognitive consent. Likewise, consent by a slave or anyone else who is under duress is not genuine consent. This technicality is based on the kind of natural-rights jurisprudence that has been posited above. There is no reason that a society suffering from Genesis 9:6 dormancy would recognize such a technicality.

that the child is entering into the "covenant community". Following the same line of reasoning, it's also true that infant baptism cannot be a sign that the infant is party to the Messianic covenant. In regard to infants, both signs are signs that an offer has been made to the infant. In the cases of both infant circumcision and infant baptism, an offer is made to someone who lacks capacity to consent to the offer. These are therefore signs of a contractual offer, not signs of acceptance and consent. When the child reaches the age at which he/she has cognitive capacity to consent to the offer, then that person's consent would indeed move that person into the *in personam* jurisdiction of the Mosaic or Messianic covenant, as the case may be. The respective signs under those circumstances would be signs of assent or consent, not merely of an offer. Because these covenants define the Church, actual participation is equivalent to regeneration. Practically no reliable Reformed theologian believes that infants are regenerate.

Even though paedobaptists and credobaptists may be at loggerheads over infant baptism, both camps agree that baptism is a sign of participation in the Messianic covenant, as such participation pertains to people with cognitive capacity who also show other signs of participation. Even so, another point over which they disagree is whether baptism in water should be by complete immersion or by something less. Related to this is an argument over the purpose of the baptism. When the main issue is *in personam* jurisdiction or not, the main issue is subverted by tedious focus on subsidiary issues. Jesus called this straining gnats and swallowing camels (Matthew 23:24). Nevertheless, by looking at this devil in the details, it should be possible to integrate such details into a rigorous definition of the *in personam* jurisdiction of the Messianic covenant.

In verse eleven of Matthew 3, John the Baptist declares, "I baptize you with water for repentance". Based on this statement, it's reasonable to assume that John's baptism pertains to repentance, which is an attitude and act of renouncing one's prior sins. From this, combined with ample evidence from the New Testament's epistles that shows clearly that John's baptism was adopted as a crucial sign of participation in the Messianic covenant, it's reasonable to assume that anyone who repents and is baptized is party to the Messianic covenant.[1] But the New Testament also indicates that baptism symbolizes much more than a mere act and attitude of repentance. According to Wayne Grudem, "Sometimes it is objected that the essential thing symbolized in baptism is not death and resurrection with Christ, but purification and cleansing from sins."[2] The difference between these two positions is that

1 Anyone capable of genuine repentance should also be capable of genuine consent to being under the *in personam* jurisdiction of the Messianic covenant.

2 Grudem, p. 969.

"purification and cleansing" are more in the realm of human works, while "death and resurrection" are more in the realm of divine works. Because these covenants define the Church, it's crucial to understand that genuine participation is equivalent to regeneration. Regeneration is by definition outside the realm of human works, and is a sovereign act of God.

Membership in the invisible Church is not information readily available to humans. One can have some assurance about oneself, but the less one knows someone else, the less one can have assurance about him/her. But in congregations of the visible Church, participants have faith that others are genuinely party to the invisible Church. Without such faith, there is suspicion, and the belief that one is genuinely participating in a congregation of the visible Church suffers. Even though it may be true that the signatory is genuinely entering a tier 1 biblical covenant, it's also true that the signatory is signing onto a tier 2 human contract, a *religious social compact* either simultaneous with the baptism or closely connected thereto. Visible Church membership and invisible Church membership are usually divided into separate issues, and it's assumed that **physical** baptism is a sign of membership in the invisible Church, while membership in a *religious social compact* is by way of a separate oath. Even so, it's reasonable to assume that there is some connection between the two.

It may appear that this line of reasoning is separating membership in the invisible Church from membership in the visible Church. It's necessary to separate the two only when there is a conflict in authority between the two. Under normal circumstances, signatories are primarily signing onto a tier 1 covenant, and secondarily onto a tier 2 human contract that they agree to interpret through their own best understanding of the tier 1 local covenant. In other words, each is agreeing to participate in a Christian *religious social compact* through his/her best understanding of the local covenant. So every Christian *religious social compact* is a human-law implementation of the Bible's Messianic covenant, and as such it is an implementation of the biblical model, where the model established by the local covenant in no way conflicts with natural law. The *religious social compact* is thereby a marriage of natural law and human law.

In his letter to the Romans, the Apostle Paul shows that baptism is much more than merely a sign of "purification and cleansing". He says

> [D]o you not know that all of us who have been baptized into Christ Jesus have been baptized into His death? Therefore we have been buried with Him through baptism into death, in

> order that as Christ was raised from the dead through the glory of the Father, so we too might walk in newness of life.
>
> (Romans 6:3-4; **NASB**)

Paul reiterates this description of baptism in his letter to the Colossians:[1]

> [I]n Him you were also circumcised with a circumcision made without hands, in the removal of the body of the flesh by the circumcision of Christ; having been buried with Him in baptism, in which you were also raised up with Him through faith in the working of God, who raised Him from the dead.
>
> (Colossians 2:11-12; **NASB**)

This circumcision of the heart (Romans 2:29) clearly goes hand-in-hand with entry into the new covenant. Likewise, baptism by immersion clearly coincides with being "buried with Him". But of course the act is merely the outward manifestation of something that has happened or is happening to the party being immersed. The immersion symbolizes tier 1 covenantal events. As indicated by Grudem,

> [T]he waters of baptism have an even richer symbolism than simply the symbolism of the grave. The waters also remind us of the waters of God's judgment that came upon unbelievers at the time of the flood (Gen. 7:6-24), or the drowning of the Egyptians in the Exodus (Ex 14:26-29). Similarly, when Jonah was thrown into the deep (Jonah 1:7-16), he was thrown down to the place of death because of God's judgment on his disobedience – even though he was miraculously rescued and thus became a sign of the resurrection. Therefore those who go down into the waters of baptism really are going down into the waters of judgment and death, death that they deserve from God for their sins. When they come back up out of the waters of baptism it shows that they have come safely through God's judgment only because of the merits of Jesus Christ, with whom they are united in his death and resurrection.[2]

The drowning in the deluge, the drowning of the Egyptians, and the near drowning of Jonah each depict well the gravity of what's going on in the **psychic** field in this transition from NOT being a party to the Messianic covenant to being a party. The

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1 As Grudem indicates, "Here it is said that Paul makes an explicit connection between circumcision and baptism." (Grudem, p. 976) It's reasonable to assume that there is just such a metamorphosis with respect to these terms. As indicated above, this "explicit connection" fails to suffice as an argument for recognizing as parties, people who lack capacity. But sometimes people don't have the ability to judge whether someone else has the capacity for cognitive consent.

2 Grudem, pp. 968-969, footnote 7.

case of Jonah depicts not only the death, but also the resurrection. The case of the flood may not overtly depict the resurrection, but it does depict a close linkage between death and entry into covenant with God. The same could be said of the drowning of the Egyptians. But the Apostle Peter makes it clear that he believes the flood depicts the gravity of the situation best.

> For Christ also died for sins once for all, … in order that He might bring us to God, having been … made alive in the spirit; in which also He went and made proclamation to the spirits *now* in prison, … when the patience of God kept waiting in the days of Noah, during the construction of the ark, in which a few, that is, eight persons, were brought safely through *the* water. And corresponding to that, baptism now saves you … through the resurrection of Jesus Christ, … after angels and authorities and powers had been subjected to Him.
>
> (1 Peter 3:18-22; **NASB**)

He says that "corresponding to" salvation through the ark, immersion and emersion "now saves you", the same way it saved "Noah and his family from the waters of judgment in the flood."[1] Peter clearly cites the deluge as being the typological origin of John's baptism. So it's fitting that people recognize that their depravity is so great that they deserve death, as a precursor to entry into the Messianic covenant.

The fact that Peter characterizes Christian baptism as having Noachian gravity has huge implications in regard to the general decentralization of the local covenant via Christ's ministry. The fact is that the Noachian covenant applies to the entire human race, and that it therefore has a global *in personam* jurisdiction, even if some of its terms were dormant. Of course the Messianic covenant does not have a global *in personam* jurisdiction, but it does attempt to make a global offer. This offer parallels the Noachian covenant by saying, in effect, to every offeree,

"If you recognize

- that you violate the natural law almost incessantly, just like the antediluvian humans;
- that you therefore do not deserve to live perpetually any more than they did;
- that you therefore deserve a fate like those who drowned in the flood under God's judgment on the vast majority of humanity;
- that the only human who never violated the natural law, who therefore deserves to live perpetually, who is alive even now, is offering you redemption from the fate you deserve by offering you

1 Grudem, p. 969, footnote 7.

> partnership in His covenant, where the covenant defines His Church that will eventually metamorphose into the New Jerusalem;
>
> then He will treat you like Noah and Noah's family, rather than like the people who died in their sins, and He will bring you into covenant with Him."

One of the reasons it's critical to recognize that these are the full implications of entering the Messianic covenant is that reason itself demands that the Noachian covenant come out of dormancy simply because the offer of the Messianic covenant is global; so what is global and dormant is necessarily called out of dormancy by the Messianic covenant. Baptism in the New Testament is a sign of regeneration and the beginning of the sanctification process, but it is also a sign that the legal barriers to emergence from dormancy of the Genesis 9:6 mandate are officially removed.

Sub-Chapter 2: Geographical Jurisdiction

The geographical jurisdiction of the Messianic covenant exists wherever two or more parties thereto agree to form a *religious social compact* that by its nature has a lawful geographical jurisdiction. If there is no such agreement covering a given territory, then the geographical jurisdiction with regard to that territory is dormant, except to the extent that a single person can claim territory. In order to establish such jurisdiction, and to do so lawfully, it's necessary to do so without perpetrating any related *delicts* and without violating any related contracts. The laws of such a *religious social compact* are whatever the parties agree to. Obviously, this booklet contends that the distinction between a subordinate *jural compact* and a subordinate *ecclesiastical compact* is crucial. It also contends that if people are genuinely interested in forming a *religious social compact* that honors Christ, the terms of their compacts should follow the biblical model, to the best of their understanding. The territorial jurisdiction is not confined to the Middle East, as was that of the Mosaic covenant, but extends to wherever Christians congregate and lawfully claim authority.

Sub-Chapter 3: Subject-Matter Jurisdiction

In the same way that the *in personam* jurisdiction of the Noachian covenant comes out of dormancy under the Messianic covenant, the local covenant's subject matter jurisdiction goes through a similar metamorphosis. The Messianic covenant removed the legal obstacles to the awakening of the Noachian covenant from dormancy. So the Genesis 9:6 mandate comes out of dormancy, in principle, if not in actual fact. In order for it to come out of dormancy in fact, people willing

and able to enforce it need to exist. So it makes sense that the visible Church of Jesus Christ has for so long emphasized evangelism and conversions, not law, polity, and natural rights. But these latter things are also necessarily included within the covenant.

An examination of Matthew 5 should suffice to show generally how the subject-matter jurisdiction of the local covenant changed in the transition from the Mosaic covenant to the Messianic covenant. This is the part of the Sermon on the Mount that is by some called the "antitheses", and by others, the "culminations". People who call this passage the "antitheses" generally claim that Christ is quoting the Old Testament, then negating it by positing the "new covenant" approach to the given subject matter. People who call this passage the "culminations" generally indicate that Christ is not negating the Old Testament, but pointing beyond it to its fulfillment. This booklet contends that Christ meant these more as "culminations" than "antitheses". — The change in subject-matter jurisdiction at the transition from the Mosaic to the Messianic covenant is closely connected to the change in personal jurisdiction. This change in subject matter is seen most profoundly in verses 17-48:

> "Do not think that I came to abolish the Law or the Prophets; I did not come to abolish, but to fulfill. For truly I say to you, until heaven and earth pass away, not the smallest letter or stroke shall pass away from the Law, until all is accomplished. Whoever then annuls one of the least of these commandments, and so teaches others, shall be called least in the kingdom of heaven; but whoever keeps and teaches *them,* he shall be called great in the kingdom of heaven. For I say to you, that unless your righteousness surpasses *that* of the scribes and Pharisees, you shall not enter the kingdom of heaven.
>
> "You have heard that the ancients were told, 'You shall not commit murder' and 'Whoever commits murder shall be liable to the court.' But I say to you that everyone who is angry with his brother shall be guilty before the court; and whoever shall say to his brother, 'Raca,' shall be guilty before the supreme court; and whoever shall say, 'You fool,' shall be guilty *enough to go* into the fiery hell. …
>
> "You have heard that it was said, 'You shall not commit adultery'; but I say to you, that everyone who looks on a woman to lust for her has committed adultery with her already in his heart. And if your right eye makes you stumble, tear it out, and throw it from you; for it is better for you that one of the parts of your body perish, than for your whole body to be thrown into hell. And if your right hand makes you stumble, cut it off, and throw it from you; for it is better for you that one

> of the parts of your body perish, than for your whole body to go into hell. …
>
> "Again, you have heard that the ancients were told, 'You shall not make false vows, but shall fulfill your vows to the Lord.' But I say to you, make no oath at all, either by heaven, for it is the throne of God, or by the earth, for it is the footstool of His feet, or by Jerusalem, for it is the city of the great King. Nor shall you make an oath by your head, for you cannot make one hair white or black. But let your statement be, 'Yes, yes' *or* 'No, no'; and anything beyond these is of evil.
>
> "You have heard that it was said, 'An eye for an eye, and a tooth for a tooth.' But I say to you, do not resist him who is evil; but whoever slaps you on your right cheek, turn to him the other also. And if anyone wants to sue you, and take your shirt, let him have your coat also. And whoever shall force you to go one mile, go with him two. …
>
> "You have heard that it was said, 'You shall love your neighbor, and hate your enemy.' But I say to you, love your enemies, and pray for those who persecute you in order that you may be sons of your Father who is in heaven; for He causes His sun to rise on *the* evil and *the* good, and sends rain on *the* righteous and *the* unrighteous. For if you love those who love you, what reward have you? Do not even the tax-gatherers do the same? And if you greet your brothers only, what do you do more *than others*? Do not even the Gentiles do the same? Therefore you are to be perfect, as your heavenly Father is perfect."
>
> (Matthew 5:17-48; **NASB**)

To interpret this passage properly, it's necessary to understand it as part of the expansion and decentralization of the overall jurisdiction of the local covenant. When Jesus says that He has not come to abolish the law, but to fulfill it, that statement leaves His audience with a big question, specifically: What does it mean to fulfill the law? Given that the Messiah was an expert in the *Tanakh*, He was very familiar with what God claimed through Jeremiah about the "new covenant" (Jeremiah 31:31-34). Given that Jeremiah's description of the "new covenant" is true, Christ's fulfillment of the law is the same as what Jeremiah describes by saying, "I will put My law within them, and on their heart I will write it" (v. 33). Given that this is true, that what Christ calls the fulfillment of the law is the same as what Jeremiah indicates is the fulfillment of the law in the "new covenant", it's also true that like Jeremiah, Christ's claim about fulfilling the law is somewhat hyperbolic. So in order to understand what Christ means when He claims that He came to fulfill the law, it's

necessary to understand the parameters of His hyperbole. It's certainly true that the "ceremonial law" went through the kinds of metamorphoses indicated above. But as indicated by the subject matter of this passage from Matthew, Christ is not speaking of "ceremonial law" in this passage. He is speaking of murder, adultery, vows, the *lex talionis*, and the scope of one's love for people. These are similar to the issues covered by the horizontal mandates of the ten commandments: murder, adultery, theft, false witness, and envy.

Even though it's clear that there must be an element of hyperbole in this passage, it should also be clear that there was no hyperbole in Christ's statement that, "you are to be perfect, as your heavenly Father is perfect" (v. 48). This perfection is the perfect obedience of the natural law that has been required of the human race since humanity's creation. This standard has never been relaxed, and it never will be. By showing that these horizontal mandates are not fulfilled merely by avoiding the violation of their human-law prohibitions, Christ is showing that obedience to human law does not, and cannot, pass as a substitute for obedience to natural law. Christ is showing that the standard is so high that fallen creatures are not capable of keeping the standard. He uses hyperbole to express the gravity of these laws, and to show how impossible it is for humans to keep them through their own efforts. It's clear from this passage that the standard is perfect, and people are not capable of keeping it. — What's not expressed in this passage, but what is clear elsewhere in the New Testament, is that even though Christ's elect are incapable during the ***law-enforcement epoch*** of keeping the standard perfectly, they are seen by the Father as keeping it perfectly through Christ's imputed righteousness. Christ imputes His righteousness to His own, and stands as their advocate before the Father. They are thereby sustained through the righteousness of Christ, by an alien righteousness that is not their own. Even so, if they presume to rely on this alien righteousness without making any effort at acting in accordance with the moral-law leg of the natural law, then their lack of effort signals a lack of respect for Christ, which means that they probably do not have His grace, and are probably not thus justified before the Father. Under such circumstances, the imputation is not a fact, but an illusion. But His genuinely elect are salvaged through His imputed righteousness, a righteousness that is not their own. It is an imputation that fallen creatures need because they are all incapable of keeping the natural law perfectly through their own efforts.

The hyperbole in this passage shows up in verses (i)22, (ii)29-30, (iii)34, and (iv)39-41. — (i)Matthew 5:22 indicates that not just people who murder are "liable to the court". Christ is escalating the recognition of guilt beyond the domain of human law into the **psychic** realm. "[E]veryone who is angry with his brother shall be guilty before the court". What court? Certainly not a human-law court

that is incapable of reading anyone's mind or heart. It must be a court that is capable of judging such evidence. That can only be the "supreme court", the court of final authority and ultimate appeals. Christ is using equivocation to show the difference between a human-law court and a natural-law court. Murder should certainly go into a human-law court as long as there is recognizable evidence that the murder exists. But the thoughts entertained by someone who is angry cannot suffice as evidence in human law. Neither does calling someone else names. Neither the thought nor the names can be recognized in a human court as damage.[1] By intentionally conflating the human-law court and the natural-law court, Christ is showing just how serious violations of natural law are. He is showing that even if someone never breaks the human law against murder, harboring anger and ill will against another human is enough to ensure one's final destination in hell. This is hyperbolic only because of Christ's intentional equivocation in regards to "court". He is nevertheless saying something extremely important about the subject-matter jurisdiction of the Messianic covenant, specifically, that it includes phenomena in the **psychic** field of perception and action much more prominently than did the Mosaic covenant.

(ii)When Christ says that "everyone who looks on a woman to lust for her has committed adultery with her … in his heart", He is merely stating a fact. The fact is that **psychic** sin is as real as **physical** sin, even though it's not recognizable in a human-law court. To convey the gravity of this fact, He uses hyperbole. "[I]f your right eye makes you stumble, tear it out", and, "[I]f your right hand makes you stumble, cut it off", are clearly hyperbolic. In fact, people are conceived in sin, and if they followed this regimen, they would be eyeless, limbless, and tongueless long before they reached adulthood. But this hyperbole shows well the emphasis of the Messianic covenant's subject-matter jurisdiction. It is on obedience to the moral-law leg of the natural law, not on the human law that has been prescribed as a subset of natural law. It is on **psychic** obedience with the understanding that **psychic** obedience is a precursor to **physical** obedience. Even so, this subject matter does not eliminate the Mosaic prescription of human law. Instead, it emphasizes **psychic** obedience. This is a process of broadening the subject matter in a way that's similar to the Messianic covenant's broadening of the local covenant's *in personam* jurisdiction.

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1 This is true unless the name-calling shifts into ruining someone else's reputation with lies. Then that can be recognized as damage in a lawful human court. Also, other acts such as name calling could be made illegal within a *religious social compact*, even when there is no damage that could be recognized under a *secular social compact*.

(iii)When Christ quotes the ancients, saying, "You shall not make false vows, but you shall fulfill your vows to the Lord" (v. 33), it's implicit that all genuine vows are "to the Lord" before they're to anyone or anything else. That's why He says the correct equivalent of an oath is "Yes, yes" or "No, no". Thus, Christ says, "make no oath at all". If "Yes, yes" / "No, no" are understood to be a kind of oath, then it's reasonable to understand "make no oath" as hyperbole. It's clear that Christ is calling all his people to live their lives *Coram Deo*, before the face of God, where everything that they say is true, and therefore making vows is not necessary. This doesn't negate the proscription against false vows. It just shows what a low standard that prohibition sets. Because it's clear that the entire chapter emphasizes the higher subject-matter jurisdiction of the Messianic covenant, it's reasonable to assume that the proscription against all oaths is also hyperbolic. But it's also reasonable to understand that making vows on people, places, and things is not a good idea, because it paints the truth of God as based on something other than what it's genuinely based on. In the life lived *Coram Deo*, there is no need for oaths because all statements are submitted to sovereign inspection by default.

(iv)In verses 38-42, Christ essentially casts doubts on the entire *lex talionis*. "An eye for an eye, and a tooth for a tooth" is the prototypical expression of the *lex talionis*. It appears almost verbatim in the *Torah* (Leviticus 24:19-20; Deuteronomy 19:18-21), and can be understood to be an expression of the partial reawakening of Genesis 9:6 under the Mosaic covenant. Genesis 9:6 says, "Whoever sheds man's blood, by man his blood shall be shed". This is also generally understood to be an expression of the *lex talionis*: blood for blood, eye for eye, tooth for tooth, *etc.* This again shows that Christ is setting a standard that is much higher than human law can set. However, if one did not see what He says about the *lex talionis* as hyperbole, then it would be understood that Christ was thereby declaring the end of the ***law-enforcement epoch***. Christ is no more utopian than Jeremiah; so it's at least as foolish to claim here that Christ is calling for the end of the ***law-enforcement epoch*** as it is to claim something similar about Jeremiah 31.

> [D]o not resist him who is evil; but whoever slaps you on your right cheek, turn him the other also. And if anyone wants to sue you, and take your shirt, let him have your coat also. And whoever shall force you to go one mile, go with him two.
>
> (Matthew 5:39-40; **NASB**)

Christ is hereby pointing to perfection, meaning the perfection of the New Jerusalem, where there is no need for human law, where the ***law-enforcement epoch*** has ended. He is pointing to an attitude that all his people should cultivate and abide in, an attitude of *agape* love towards all of God's creation, with the knowledge that by abiding there, no ultimate harm can ever be done to the victim, even during the

law-enforcement epoch. But to jump to the conclusion that human laws should be modeled on this standard is equivalent to saying that there should not be any human laws. As should be obvious by now, the Bible doesn't posit that position, and neither does Jesus Christ. These statements are therefore again hyperbolic. Christ is hereby emphasizing an attitude that his people are to cultivate, even judges, lawyers, executioners, policemen, and soldiers. His people are hereby called to have perfect equanimity when they are victimized. They are also called to perfect equanimity in their prosecution of human law, even until the end of the ***law-enforcement epoch***. It's a standard that's beyond the fallen human's capacity to reach. But all of Christ's people are called to strive for it because that is the standard set by the covenant they have entered.

When Christ speaks specifically about the scope of one's *agape* love in verses 43-48, He does not use hyperbole of any kind. He tells his people to love even their enemies. This is indeed a radical departure from the Mosaic covenant. It confirms that the Messianic covenant broadens the offer of the local covenant to include the entire human race. It also shows the attitude that one should have as an agent of the natural-rights polity. It is not an attitude that allows murderers to get away with murder, thieves to get away with theft, or batterers to get away with battery. It is an attitude of care and objectivity, and even *agape* love, in the execution of justice. This is one of the reasons the *lex talionis* should be understood as a proportionality, rather than as a one-to-one correspondence. This is more evidence of the emergence of Genesis 9:6 from dormancy. But it is an emergence that emphasizes the proper attitude and eschews revenge and vengefulness.

These interpretations of Christ's sayings in Matthew 5 are confirmed again in Matthew 7.

> "Do not judge lest you be judged. For in the way you judge, you will be judged; and by your standard of measure, it will be measured to you. And why do you look at the speck that is in your brother's eye, but do not notice the log that is in your own eye? Or how can you say to your brother, 'Let me take the speck out of your eye,' and behold, the log is in your own eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your brother's eye."
>
> (Matthew 7:1-5; **NASB**)

If this passage is taken literally, then one comes to the conclusion that Christ's people are obligated to go through their lives as non-judgmental zombies. Judgment is an unavoidable feature of the cognitive process of choice-making. But the context makes it clear that cognition is not what Christ is talking about. He is speaking of human law as it was enforced under the Mosaic covenant, and as it is prone to

being enforced in all statist systems. As God said through Jeremiah, about the "new covenant", "'they shall not teach again, each man his neighbor and each man his brother, saying, "Know the Lord," for they shall all know Me, from the least of them to the greatest of them,' declares the Lord, 'for I will forgive their iniquity, and their sin I will remember no more.'" (Jeremiah 31:34; **NASB**). Jeremiah is pointing to the failure of the human law of the Mosaic covenant to properly implement the spirit of the natural law. Confirming Jeremiah, Christ is hereby pointing to the same failure, and to the same remedy.

Because the Messiah is so adamant in establishing this perfect standard, it's easy to assume that He must be a pacifist, and He must be establishing a standard of pacifism for His people. If this were the case, then that would have been the establishment of a standard that ended the ***law-enforcement epoch*** two thousand years ago. In fact, He established a standard that will eventually end the ***law-enforcement epoch***, but not without His people going through the agenda inherent in **progressive revelation** and progressive understanding. Christ can return at any time and declare that program fulfilled. But as long as He tarries, His people are bound by the covenant that they voluntarily entered to work on the program that He established, and to build His kingdom on earth, to the best of their ability. — During His ministry on earth, if Christ had intended for the ***law-enforcement epoch*** to end immediately after His ascension, then why did He say, "Do not think that I came to bring peace on earth; I did not come to bring peace, but a sword" (Matthew 10:34; **NASB**). Furthermore, when His earthly ministry was coming to an end, why would He say the following?

> "When I sent you out without purse and bag and sandals, you did not lack anything, did you?" And they said, "*No*, nothing." And He said to them, "But now, let him who has a purse take it along, likewise also a bag, and let him who has no sword sell his robe and buy one."
>
> (Luke 22:34-36; **NASB**)

The reason He says, "Get a sword", is because He knew that it is His people's job to establish the natural-rights polity. And it's the King's job to establish the tone of that polity by establishing the basic demeanor and motivation of the people working to establish and maintain that polity. The standard of His kingdom is perfect obedience to the natural law. Through these "culminations" in Matthew 5, Christ makes this perfection absolutely clear and undeniable. But He also makes it clear that such perfection is not attainable through human law alone. Human law plays a part, but it's a much more secondary part than was indicated in the Mosaic covenant, especially in the pharisaical interpretation thereof. So the King has hereby established the subject-matter jurisdiction of His covenant and His kingdom. It

pertains primarily to natural law, and only very secondarily to human law. — The context of these verses from Luke is that Jesus has just told Peter that he will deny Christ three times before the rooster crows. Then Jesus tells them that the time of going barefoot with no money is ended, and it's time to buy a sword. Then He says to His people that it's His destiny to be the victim of the existing state (v. 37). Then the apostles say, "Lord, look, here are two swords" (v. 38). His disciples were probably thinking that He could multiply swords the same way He had multiplied loaves and fishes, and thereby raise an army instantly. Christ responds by saying, paraphrasing, "Yeah! That's enough." When the mob came with clubs and swords to arrest Jesus, Peter drew his sword and struck the slave of the high priest. Jesus told him, "Put your sword back into its place; for all those who take up the sword shall perish by the sword" (Matthew 26:52; **NASB**). This must again be taken as hyperbole. History clearly shows that not everyone who arms himself dies by such arms. Nevertheless, He clearly makes the point: Christ's kingdom is a kingdom of peace, not bloodshed. His people are not to be perpetrators of *delicts*, but the defenders of life. He established that standard by allowing Himself to be murdered by the state, then rising from the dead. Because He rose from the dead, He is the lawful King of this natural-rights polity. In leaving His people on earth to build His kingdom, the sword is a necessary tool for bringing this natural-rights polity into existence. But His point is clear. Each of His people must have a heart for true justice before they are qualified to be genuine agents of the natural-rights polity.

Although what's been said here is sufficient to give a general description of how the subject-matter jurisdiction of the local covenant changed in the transition from the Mosaic covenant to the Messianic covenant, the subject-matter jurisdiction as it pertains to the new offer to Gentiles should be addressed before this general description is called complete. Before doing that, here's one brief comment on Paul's attitude about Mosaic law.

> Paul has been the great teacher of the philosophy of law in the economy of redemption. Most of the Pauline formulas bear a negative character. The law chiefly operated towards bringing about and revealing the failure of certain methods and endeavors. It served as a pedagogue unto Christ, shut up the people under sin, was not given unto life, was weak through the flesh, worked condemnation, brings under a curse, is a powerless minister of the letter.[1]

Paul's negative characterization of the Mosaic law exists primarily because of Judah's tribal propensity to overemphasize human law. This overemphasis shows that the

1 Vos, p. 126.

Mosaic law itself is capable of being converted into an idol. This is precisely why these negative characterizations showed up. On the other hand, the Mosaic covenant was skewed from the beginning to emphasize the construction of the Church, even to the point of treating outsiders as practically sub-human. From the perspective of the natural-rights polity, jurisdictional dysfunction was built into that covenant, as is evident in its failure to apply the natural-rights standard instead of the genocide standard. From the perspective of the construction of the Church, the natural-rights polity is secondary, and therefore jurisdictional dysfunction was NOT built into the Mosaic covenant. When the Messianic covenant expanded the offer to include the entire human race, and when it expanded the subject-matter jurisdiction to emphasize obedience in the **psychic** field of perception and action, it kept the construction of the Church as the priority, but it removed the jurisdictional dysfunction that existed in the covenant from the perspective of the natural-rights polity. All of Paul's negative characterizations of the Mosaic law should be understood within this context.

In the 15th chapter of Acts, the subject matter of the Messianic covenant as it is offered to Gentiles is addressed specifically. Because Pharisees who had been converted to the Messianic covenant insisted that Gentile converts must be circumcised in accordance with Mosaic law, and because they insisted that other aspects of the Mosaic law applied to Gentile converts, while Paul, Barnabas, Peter, and others did not agree, the early Church held a council in Jerusalem to resolve these disagreements. The leader of the church in Jerusalem, Christ's half brother James, resolved the dispute in Paul's favor by saying,

> "[I]t is my judgment that we do not trouble those who are turning to God from among the Gentiles, but that we write to them that they abstain from things contaminated by idols and from fornication and from what is strangled and from blood. For Moses from ancient generations has in every city those who preach him, since he is read in the synagogues every Sabbath."
>
> (Acts 15:19-21; **NASB**)

The council then circulated a letter written by them to their non-Jewish brethren, saying,

> "[I]t seemed good to the Holy Spirit and to us to lay upon you no greater burden than these essentials: that you abstain from things sacrificed to idols and from blood and from things strangled and from fornication; if you keep yourselves free from such things, you will do well. Farewell."
>
> (Acts 15:28-29; **NASB**)

So these minimal prohibitions were extended from the Mosaic covenant to non-Jewish converts to the Messianic covenant. Such converts were instructed to abstain from things contaminated by idols, to abstain from fornication, to abstain from things strangled, and to abstain from blood. Given that these four prohibitions are adequately defined, they are the minimal negative subject-matter jurisdiction of the Messianic covenant as such jurisdiction is designated for enforcement through a Messianic *religious social compact*'s human law. In other words, they are the minimal negative laws that a Messianic *religious social compact* needs to enforce within its jurisdiction. But it's important to see that James is indicating that they are a bare minimum. This is evident by the fact that he says, "For Moses … is read in the synagogues every Sabbath" (v. 21). So he's indicating that anyone who wants to know more can go to the synagogues that are "in every city", to learn more. So new Gentile converts shouldn't be expected to understand the whole law of Moses, and they shouldn't be expected to abide by any other laws than these four, but they should certainly be interested in maximizing obedience to Christ, and therefore in learning more about the law.

This situation naturally stimulates one to wonder, Why these four things? Also, should the understanding of these four be taken from the pharisaical interpretation of the *Torah*, or from Paul's interpretation? This latter question is important because Paul was called to a ministry to the Gentiles, while James was called to lead the Jewish-Christian church in Jerusalem. There may have been a discrepancy in their interpretations of the *Torah* that relates directly to the two-house doctrine.[1] — The leaders of the early Church clearly wanted to avoid the same mistake as the Pharisees, which Jesus characterized as traveling "around on sea and land to make one proselyte; and when he becomes one, you make him twice as much a son of hell as yourselves" (Matthew 23:15; **NASB**). This proselytizing was the act of subjecting non-Jews to Jewish human laws. It's clear that there was little grace in this process. People who volunteered for this process were prone to converting Mosaic law as interpreted by the Pharisees, into an idol, in violation of the spirit of the local covenant if not the letter of it. The elders of the early Church clearly wanted to avoid this problem. They probably consulted the Noachide Laws, which were understood by Rabbinical Jews as applying inherently to all people by way of the Noachian covenant. The Noachide Laws consisted of six negative laws and one positive law.[2] The six negative

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1 Regarding two-house doctrine, see Porter, **Theodicy**, Part II, Chapter I, Sub-Chapter 8, "*Two-House Portal*". — URL: http://BasicJurisdictionalPrinciples.net.

2 See above, Part II, Chapter 7, Sub-Chapter 2, "Introduction to the Jurisprudential Ramifications of Genesis 9:4-6". — It may be accurate to understand these Noachide Laws as another occurrence of rabbinical **eisegesis**.

laws were prohibitions of idolatry, murder, theft, sexual immorality, blasphemy, and eating flesh from a live animal. The one positive law was the mandate to establish law courts. It's clear that the Jerusalem Council reiterated the prohibitions of idolatry and fornication, neither of which is explicitly addressed in globally prescribed human law. Blasphemy can be understood to be a manifestation of idolatry, so the Council probably saw no reason to reiterate it. How the Council got "blood" and "what is strangled" from the Noachide Laws may be a mystery. But it's likely that both relate to Genesis 9:4-6. "Blood" can refer to the eating of animal blood, or the shedding of human blood, or both. "[W]hat is strangled" is probably from a rabbinical interpretation of Genesis 9:4. If the presumption of this relationship between Genesis 9, the Noachide Laws, and these prohibitions from the Jerusalem Council is true, then "blood" encompasses the prohibitions of murder, theft, and eating "flesh with its life, *that is*, its blood" (Genesis 9:4; **NASB**). So avoiding what is strangled also falls within the ambit of Genesis 9:4. The Council probably avoided going into more detail in their explanations in order to avoid constructing barriers to non-Jews receiving the Messianic offer.

The fact that the Jerusalem Council did not specifically mention murder and theft is evidence that they were only focused on laws that would be administered by a broadly defined *ecclesiastical society*, and not laws that were within the subject-matter jurisdiction of a *jural society*. So the distinction between a *secular social compact* and a *religious social compact* was probably intuitively obvious to them. Being under the Roman Empire, people were already subject to the laws of a jurisdictionally dysfunctional *secular social compact*, and they did not need to be reminded of that in their introduction to the Messianic covenant. So the Council did not explicitly address the avoidance of murder and theft. — Also pertinent to this expansion of the local covenant to attempt a global offer to the Gentiles: Although idolatry is as rigorously prohibited by the Messianic covenant as by the Mosaic, syncretism is not.

Sub-Chapter 4:
Introduction to the Romans 13 Passages

The chronological **exegesis** that appears throughout this booklet stands or falls based on that aspect of the jurisdiction of the Messianic covenant that pertains to Romans 13 passages. In this approach to examining Romans 13 passages, it should be obvious that examination of the Messianic covenant requires rational consistency between all the claims made above and examination of the Messianic covenant. In **exegesis** of the Abrahamic and Mosaic covenants, this booklet has made repeated claims that the Messianic covenant abrogated or demoted some terms

of those covenants in the process of incorporating such covenants into the Messianic covenant, where the Messianic covenant is understood to be the final word in **progressive revelation**. In the process of making those claims, little evidence was provided from the New Testament to substantiate those claims. To some extent, that lack of evidence has been mitigated by the three sub-chapters above, on the jurisdictional components of the Messianic covenant. But before examining Romans 13, it's important to provide more evidence. Such evidentiary substantiation falls generally into the category of "Christian liberty", with the Messianic covenant's emphasis on grace, in contrast to the emphasis in those earlier covenants on law. To establish such substantiation, this booklet will again reference the Westminster Confession of Faith, as a largely reliable and concise source of existing interpretation. WCF Chapter 20, "Of Christian Liberty and Liberty of Conscience", § 1, states the following:

> The liberty which Christ hath purchased for believers under the gospel consists in their freedom from the guilt of sin, the condemning wrath of God, the curse of the moral law;[1] and, in their being delivered from this present evil world, bondage to Satan, and dominion of sin;[2] from the evil of afflictions, the sting of death, the victory of the grave, and everlasting damnation;[3] as

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1 "**Titus 2:14.** … who gave himself for us, that he might redeem us from all iniquity, and purify unto himself a peculiar people, zealous of good works. **1 Thess. 1:10.** … and to wait for his Son from heaven, whom he raised from the dead, even Jesus, which delivered us from the wrath to come. **Gal. 3:13.** Christ hath redeemed us from the curse of the law, being made a curse for us: for it is written, Cursed is every one that hangeth on a tree." — **The Westminster Confession of Faith and Catechisms**, As adopted by the Presbyterian Church in America, With Proof Texts, 2005, 2007, The Orthodox Presbyterian Church, Chapter 20, "Of Christian Liberty and Liberty of Conscience", pp. 92-93, fn a. — URL: https://pcaac.org/resources/wcf/, retrieved 27 September 2018.

2 "**Gal. 1:4.** … who gave himself for our sins, that he might deliver us from this present evil world, according to the will of God and our Father. **Col. 1:13.** … who hath delivered us from the power of darkness, and hath translated us into the kingdom of his dear Son. **Acts 26:18.** [I send thee] to open their eyes, and to turn them from darkness to light, and from the power of Satan unto God, that they may receive forgiveness of sins, and inheritance among them which are sanctified by faith that is in me. **Rom. 6:14.** For sin shall not have dominion over you: for ye are not under the law, but under grace." —WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 93, fn b. — URL: https://pcaac.org/resources/wcf/, retrieved 27 September 2018.

3 "**Rom. 8:28.** And we know that all things work together for good to them that love God, to them who are the called according to his purpose. **Ps. 119:71.** It is good for me that I have been afflicted; that I might learn thy statutes. **2 Cor. 4:15–18.** For all things

also, in their free access to God,[1] and their yielding obedience unto him, not out of slavish fear, but a childlike love and willing mind.[2] All which were common also to believers under the law.[3]

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are for your sakes, that the abundant grace might through the thanksgiving of many redound to the glory of God. For which cause we faint not; but though our outward man perish, yet the inward man is renewed day by day. For our light affliction, which is but for a moment, worketh for us a far more exceeding and eternal weight of glory; while we look not at the things which are seen, but at the things which are not seen: for the things which are seen are temporal; but the things which are not seen are eternal. **1 Cor. 15:54–57.** So when this corruptible shall have put on incorruption, and this mortal shall have put on immortality, then shall be brought to pass the saying that is written, Death is swallowed up in victory. O death, where is thy sting? O grave, where is thy victory? The sting of death is sin; and the strength of sin is the law. But thanks be to God, which giveth us the victory through our Lord Jesus Christ. **Rom. 5:9.** Much more then, being now justified by his blood, we shall be saved from wrath through him. **Rom. 8:1.** There is therefore now no condemnation to them which are in Christ Jesus, who walk not after the flesh, but after the Spirit. **See 1 Thess. 1:10."** — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 93, fn c.

1 "**Rom. 5:1–2.** Therefore being justified by faith, we have peace with God through our Lord Jesus Christ: by whom also we have access by faith into this grace wherein we stand, and rejoice in hope of the glory of God." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 93, fn d.

2 "**Rom. 8:14–15.** For as many as are led by the Spirit of God, they are the sons of God. For ye have not received the spirit of bondage again to fear; but ye have received the Spirit of adoption, whereby we cry, Abba, Father. **Gal. 4:6.** And because ye are sons, God hath sent forth the Spirit of his Son into your hearts, crying, Abba, Father. **1 John 4:18.** There is no fear in love; but perfect love casteth out fear: because fear hath torment. He that feareth is not made perfect in love." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 93, fn e.

3 "**Gal. 3:8–9, 14.** And the scripture, foreseeing that God would justify the heathen through faith, preached before the gospel unto Abraham, saying, In thee shall all nations be blessed. So then they which be of faith are blessed with faithful Abraham.… that the blessing of Abraham might come on the Gentiles through Jesus Christ; that we might receive the promise of the Spirit through faith. **Rom. 4:6–8.** Even as David also describeth the blessedness of the man, unto whom God imputeth righteousness without works, saying, Blessed are they whose iniquities are forgiven, and whose sins are covered. Blessed is the man to whom the Lord will not impute sin. **1 Cor. 10:3–4.** And [our fathers] did all eat the same spiritual meat; and did all drink the same spiritual drink: for they drank of that spiritual Rock that followed them: and that Rock was Christ. **Heb. 11:1–40.** Now faith is the substance of things hoped for, the evidence of things not seen. For by it the elders obtained a good report.… By faith Abel offered unto God a more excellent sacrifice than Cain, by which he obtained witness that he was righteous, God testifying of his gifts:

> But, under the new testament, the liberty of Christians is further enlarged, in their freedom from the yoke of ceremonial law, to which the Jewish church was subjected;[1] and in greater boldness of access to the throne of grace,[2] and fuller communications of

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and by it he being dead yet speaketh.… By faith Noah, being warned of God of things not seen as yet, moved with fear, prepared an ark to the saving of his house; by the which he condemned the world, and became heir of the righteousness which is by faith. By faith Abraham, when he was called to go out into a place which he should after receive for an inheritance, obeyed; and he went out, not knowing whither he went.… By faith Moses, when he was come to years, refused to be called the son of Pharaoh's daughter; choosing rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season; esteeming the reproach of Christ greater riches than the treasures in Egypt: for he had respect unto the recompence of the reward.… And these all, having obtained a good report through faith, received not the promise: God having provided some better thing for us, that they without us should not be made perfect." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", pp. 93-94, fn f.

1 "**Gal. 4:1–7.** Now I say, That the heir, as long as he is a child, differeth nothing from a servant, though he be lord of all; but is under tutors and governors until the time appointed of the father. Even so we, when we were children, were in bondage under the elements of the world: but when the fulness of the time was come, God sent forth his Son, made of a woman, made under the law, to redeem them that were under the law, that we might receive the adoption of sons. And because ye are sons, God hath sent forth the Spirit of his Son into your hearts, crying, Abba, Father. Wherefore thou art no more a servant, but a son; and if a son, then an heir of God through Christ. **Gal. 5:1.** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. **Acts 15:10–11.** Now therefore why tempt ye God, to put a yoke upon the neck of the disciples, which neither our fathers nor we were able to bear? But we believe that through the grace of the Lord Jesus Christ we shall be saved, even as they." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 94, fn g.

2 "**Heb. 4:14–16.** Seeing then that we have a great high priest, that is passed into the heavens, Jesus the Son of God, let us hold fast our profession. For we have not an high priest which cannot be touched with the feeling of our infirmities; but was in all points tempted like as we are, yet without sin. Let us therefore come boldly unto the throne of grace, that we may obtain mercy, and find grace to help in time of need. **Heb. 10:19–22.** Having therefore, brethren, boldness to enter into the holiest by the blood of Jesus, by a new and living way, which he hath consecrated for us, through the veil, that is to say, his flesh; and having an high priest over the house of God; let us draw near with a true heart in full assurance of faith, having our hearts sprinkled from an evil conscience, and our bodies washed with pure water." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", pp. 94-95, fn h.

> the free Spirit of God, than believers under the law did ordinarily partake of."[1]

To substantiate the claim to Christian liberty that is unique relative to the liberty of those under the Abrahamic and Mosaic covenants, it's important to emphasize this statement: "[U]nder the new testament, the liberty of Christians is further enlarged, in their freedom from the yoke of ceremonial law, to which the Jewish church was subjected". The Messianic covenant certainly provides "greater boldness … and fuller communications … than believers under the law", but the emphasis of this booklet being on jurisprudence, the emphasis here needs to be on "the liberty of Christians … from the yoke". As is evident in the examination of the 613 *mitzvoth*, the freedom from the yoke includes more than merely freedom from the yoke of ceremonial law. Most pertinent to this **exegesis** is freedom from the yoke of the excesses inherent to the exercise of Mosaic law under the Genesis 9:6 dormancy.

WCF Chapter 20 § 1 is extremely crucial to the distinction between jurisprudential liberty and Christian liberty. Jurisprudential libertarianism needs to be distinguished from metaphysical libertarianism, but it also needs to be distinguished from the traditional, Bible-based conception of Christian liberty. Most of the things mentioned in 20.1 to which Christians are free by God's grace have little immediate interface with human law. But jurisprudential libertarianism is almost entirely about the definition of human law within the larger context of natural law. In contrast, all the various kinds of freedom mentioned in 20.1 have been traditionally characterized as "Christian liberty". Adherence to these things can therefore rightly be characterized as "Christian libertarianism". There are a few important distinctions that need to be made in the process of admitting the validity of such Christian libertarianism. One is the distinction between such Christian

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1 "**John 7:38–39.** He that believeth on me, as the scripture hath said, out of his belly shall flow rivers of living water. (But this spake he of the Spirit, which they that believe on him should receive: for the Holy Ghost was not yet given; because that Jesus was not yet glorified.) **Acts 2:17–18.** And it shall come to pass in the last days, saith God, I will pour out of my Spirit upon all flesh: and your sons and your daughters shall prophesy, and your young men shall see visions, and your old men shall dream dreams: and on my servants and on my handmaidens I will pour out in those days of my Spirit; and they shall prophesy. **2 Cor. 3:8, 13, 17–18.** How shall not the ministration of the spirit be rather glorious?… And not as Moses, which put a vail over his face, that the children of Israel could not stedfastly look to the end of that which is abolished.… Now the Lord is that Spirit: and where the Spirit of the Lord is, there is liberty. But we all, with open face beholding as in a glass the glory of the Lord, are changed into the same image from glory to glory, even as by the Spirit of the Lord. **See Jer. 31:31–34."** — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 95, fn i.

libertarianism and jurisprudential libertarianism. Another is the distinction between Christian libertarianism and metaphysical libertarianism.

As indicated in the above commentary on the Adamic covenant, metaphysical libertarianism is the belief that free will is not compatible with a deterministic universe, and that it's certain that moral agents have free will, so determinism must be false. This conflicts with Calvinistic compatibilism, which holds that because God is utterly sovereign, everything that happens in the universe is determined by Him, but God's determinism doesn't conflict with human free choice, but on the contrary, in conformity to WCF, 3.1, at the same time that God determines everything, "yet so, as thereby neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established." So in a similar manner, Christian libertarianism, composed of the various kinds of freedom mentioned in 20.1, doesn't conflict with God's sovereignty, but instead, God's sovereignty establishes it.

The proper understanding of jurisprudential libertarianism is heavily dependent upon the proper distinction between moral law and human law. That distinction has been made throughout this booklet. By no means does that distinction negate Christian libertarianism. But Christian libertarianism, as identified in 20.1, does not incorporate all these distinctions between moral law and human law. This booklet must therefore introduce terminology that encompasses, (i)the radical distinction between jurisprudential libertarianism and Christian libertarianism, (ii)compatibility between jurisprudential libertarianism and Christian libertarianism, and (iii)the repudiation of metaphysical libertarianism. For lack of better nomenclature, this booklet uses "libertarian Christianity" to encompass these three things. Of course, it shouldn't be confused with Christian libertarianism.

Chapter 20, § 2, of the Westminster Confession of Faith states the following:

> God alone is Lord of the conscience,[1] and hath left it free from the doctrines and commandments of men, which are, in anything,

1 "**James 4:12.** There is one lawgiver, who is able to save and to destroy: who art thou that judgest another? **Rom. 14:4, 10.** Who art thou that judgest another man's servant? to his own master he standeth or falleth. Yea, he shall be holden up: for God is able to make him stand.… But why dost thou judge thy brother? or why dost thou set at nought thy brother? for we shall all stand before the judgment seat of Christ. **1 Cor. 10:29.** Conscience, I say, not thine own, but of the other: for why is my liberty judged of another man's conscience?" — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 95, fn k.

contrary to his Word; or beside it, if matters of faith, or worship.[1] So that, to believe such doctrines, or to obey such commands, out of conscience, is to betray true liberty of conscience:[2] and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience, and reason also.[3]

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1 "**Acts 4:19.** But Peter and John answered and said unto them, Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. **Acts 5:29.** Then Peter and the other apostles answered and said, We ought to obey God rather than men. **1 Cor. 7:22–23.** For he that is called in the Lord, being a servant, is the Lord's freeman: likewise also he that is called, being free, is Christ's servant. Ye are bought with a price; be not ye the servants of men. **Matt. 15:1–6.** Then came to Jesus scribes and Pharisees, which were of Jerusalem, saying, Why do thy disciples transgress the tradition of the elders? for they wash not their hands when they eat bread. But he answered and said unto them, Why do ye also transgress the commandment of God by your tradition? For God commanded, saying, Honour thy father and mother: and, He that curseth father or mother, let him die the death. But ye say, Whosoever shall say to his father or his mother, It is a gift, by whatsoever thou mightest be profited by me; and honour not his father or his mother, he shall be free. Thus have ye made the commandment of God of none effect by your tradition. **Matt. 23:8–10.** But be not ye called Rabbi: for one is your Master, even Christ; and all ye are brethren. And call no man your father upon the earth: for one is your Father, which is in heaven. Neither be ye called masters: for one is your Master, even Christ. **2 Cor. 1:24.** Not for that we have dominion over your faith, but are helpers of your joy: for by faith ye stand. **Matt. 15:9.** But in vain they do worship me, teaching for doctrines the commandments of men." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", pp. 95-96, fn l.

2 "**Col. 2:20–23.** Wherefore if ye be dead with Christ from the rudiments of the world, why, as though living in the world, are ye subject to ordinances, (touch not; taste not; handle not; which all are to perish with the using;) after the commandments and doctrines of men? Which things have indeed a shew of wisdom in will worship, and humility, and neglecting of the body; not in any honour to the satisfying of the flesh. **Gal. 1:10.** For do I now persuade men, or God? or do I seek to please men? For if I yet pleased men, I should not be the servant of Christ. **Gal. 2:4–5.** … and that because of false brethren unawares brought in, who came in privily to spy out our liberty which we have in Christ Jesus, that they might bring us into bondage: to whom we gave place by subjection, no, not for an hour; that the truth of the gospel might continue with you. **Gal. 4:9–10.** But now, after that ye have known God, or rather are known of God, how turn ye again to the weak and beggarly elements, whereunto ye desire again to be in bondage? Ye observe days, and months, and times, and years. **Gal. 5:1.** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 96, fn m.

3 "**Rom. 10:17.** So then faith cometh by hearing, and hearing by the word of God. **Isa. 8:20.** To the law and to the testimony: if they speak not according to this word, it

Because 20.2's interpretation of all these cited texts is true and reliable, it's obvious that God has made every human being's conscience in a state that is naturally free. This is an attribute of miniature sovereigns that has survived the fall, like the *imago Dei* itself. In fact, it's reasonable to consider this free conscience to be part of the *imago Dei*. Of course the fall has warped the conscience. Through regeneration, sanctification, glorification, *etc.*, Christians are delivered from that warping. But regardless of whether one is regenerate or not, such warping doesn't give automatic free reign to other people to invade someone else's mental space. Common grace demands that all people speak the truth in love. But that doesn't call for anyone to attempt mind control over other people, or to exercise jurisdictionally unfounded judgmentalism against other people. God has created all of his miniature sovereigns with freedom to choose, in spite of the fact that in this fallen world, all people are fallen from conception and every society is jurisdictionally dysfunctional. This means that all people suffer to some extent from jurisdictionally dysfunctional interference with their free choices from other people. So, to believe such jurisdictionally dysfunctional doctrines, or to obey such jurisdictionally dysfunctional commands, in such a way that one denies one's conscience in the process, "is to betray true liberty of conscience". Furthermore, for people to demand "blind obedience" from other people is to treat them like beasts of burden who have no conscience. This tends to "destroy liberty of conscience, and reason also". So even with children, parents and teachers need to appeal to the best in the child's conscience even when demanding obedience, rather than treating children like mere animals. Something similar is true in a military line of command, and other human command structures.

The fundamental clause in 20.2 is, "God alone is Lord of the conscience". Because keeping one's conscience clear before God must be a paramount concern

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is because there is no light in them. **Acts 17:11.** These were more noble than those in Thessalonica, in that they received the word with all readiness of mind, and searched the scriptures daily, whether those things were so. **John 4:22.** Ye worship ye know not what: we know what we worship: for salvation is of the Jews. **Rev. 13:12, 16–17.** And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to worship the first beast, whose deadly wound was healed.… And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. **Jer. 8:9.** The wise men are ashamed, they are dismayed and taken: lo, they have rejected the word of the Lord; and what wisdom is in them? **1 Pet. 3:15.** But sanctify the Lord God in your hearts: and be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 96, fn n.

in everything that Christians do, it's important to not be obedient to anybody else before God. If God tells the Christian to be obedient to so-and-so, then that allows the Christian to be obedient to God first, and to conscience first, then to so-and-so. According to Christian liberty, these priorities must be followed in obedience to anything, everything, and everybody.

WCF Chapter 20 § 3 is essentially a warning against anyone using Christian liberty as an excuse for practicing sin. It clearly states, with ample citations of Scripture, that people who practice sin under the "pretense of Christian liberty" do "thereby destroy the end of Christian liberty". It states clearly that the end and purpose of Christian liberty is to "serve the Lord without fear, in holiness and righteousness before him, all the days of our life". All this should be so obvious that 20.3 needs not be quoted here.

The last section in Chapter 20, "Of Christian Liberty and Liberty of Conscience", starts introducing the relationship between Christian liberty and what powers can be lawfully exercised through human law:

> And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another, they who, upon pretense of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God.[1] And, for their

1 "**1 Pet. 2:13–14, 16.** Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well.… as free, and not using your liberty for a cloke of maliciousness, but as the servants of God. **Rom. 13:1–8.** Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: for he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour. Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. **Heb. 13:17.** Obey them that have the rule over you, and submit yourselves: for they watch for your souls, as they that must give account, that they may do it with joy, and not with grief: for that is unprofitable for you. **1 Thess. 5:12–13.** And we beseech you, brethren, to know

> publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity (whether concerning faith, worship, or conversation), or to the power of godliness; or, such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the church, they may lawfully be called to account, and proceeded against, by the censures of the church.[1]

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them which labour among you, and are over you in the Lord, and admonish you; and to esteem them very highly in love for their work's sake. And be at peace among yourselves." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 97, fn p.

1 "**Rom. 1:32.** … who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them. **1 Cor. 5:1, 5, 11–13.** It is reported commonly that there is fornication among you, and such fornication as is not so much as named among the Gentiles, that one should have his father's wife.… to deliver such an one unto Satan for the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus.… But now I have written unto you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner; with such an one no not to eat. For what have I to do to judge them also that are without? do not ye judge them that are within? But them that are without God judgeth. Therefore put away from among yourselves that wicked person. **2 John 10–11.** If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed: for he that biddeth him God speed is partaker of his evil deeds. **2 Thess. 3:6, 14.** Now we command you, brethren, in the name of our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly, and not after the tradition which he received of us.… And if any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed. **1 Tim. 6:3–4.** If any man teach otherwise, and consent not to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness; he is proud, knowing nothing, but doting about questions and strifes of words, whereof cometh envy, strife, railings, evil surmisings. **Titus 1:10–11, 13–14.** For there are many unruly and vain talkers and deceivers, specially they of the circumcision: whose mouths must be stopped, who subvert whole houses, teaching things which they ought not, for filthy lucre's sake.… This witness is true. Wherefore rebuke them sharply, that they may be sound in the faith; not giving heed to Jewish fables, and commandments of men, that turn from the truth. **Titus 3:10.** A man that is an heretick after the first and second admonition reject. **Rom. 16:17.** Now I beseech you, brethren, mark them which cause divisions and offences contrary to the doctrine which ye have learned; and avoid them. **Matt. 18:15–17.** Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two

According to this 20.4 understanding of Scripture, among the powers which God has ordained in society are the "ecclesiastical" and the "civil", Church and state. Section four expands the warning in 20.3 against violating Christian liberty in the practice of sin. It does so by being against any Christian opposing "any lawful power, or the exercise of it". According to this interpretation, God has ordained these two powers, the civil and the ecclesiastical. These two are "mutually to uphold and preserve one another". The Scriptures cited to uphold these claims are 1Peter 2:13-14,16; Romans 13:1-8; Hebrews 13:17; and 1Thessalonians 5:12-13. These are what this booklet has been calling "Romans 13 passages". Of course, both the claims in 20.4 and the passages themselves beg the question: Who are these civil and ecclesiastical powers, and how does one go about identifying them? This may have been a simple question to answer in the days when Romans 13 passages were written, but it doesn't seem so simple in 21st-century America, the reasons for which appear strewn throughout everything that appears above. — Section four continues by positing good reasons for "the censures of the church": (i)publishing in the name of Christian liberty opinions that are "contrary to the light of nature, or to the known principles of Christianity … or to the power of godliness"; (ii)maintaining in the name of Christian liberty practices that are likewise contrary; or (iii)publishing or maintaining, in the name of Christian liberty, such opinions or practices as "are destructive to the external peace and order which Christ hath established in the church". While simple sin as addressed in 20.3 may be relatively easy to identify and discipline, theological opinions have been so diverse since the Reformation that enforcing 20.4 is far more tenuous.

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more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican. **1 Tim. 1:19–20.** … holding faith, and a good conscience; which some having put away concerning faith have made shipwreck: of whom is Hymenaeus and Alexander; whom I have delivered unto Satan, that they may learn not to blaspheme. **Rev. 2:2, 14–15, 20.** I know thy works, and thy labour, and thy patience, and how thou canst not bear them which are evil: and thou hast tried them which say they are apostles, and are not, and hast found them liars.… But I have a few things against thee, because thou hast there them that hold the doctrine of Balaam, who taught Balac to cast a stumblingblock before the children of Israel, to eat things sacrificed unto idols, and to commit fornication. So hast thou also them that hold the doctrine of the Nicolaitanes, which thing I hate.… Notwithstanding I have a few things against thee, because thou sufferest that woman Jezebel, which calleth herself a prophetess, to teach and to seduce my servants to commit fornication, and to eat things sacrificed unto idols." — WCF-OPC, Chapter 20, "Of Christian Liberty and Liberty of Conscience", p. 98, fn q.

Although 20.4 sounds good in principle, there are huge hazards in the actual enforcement of it. For one thing, as has already been expounded, there is a major distinction between God's **decretive will** and God's **preceptive will**. When 20.4 speaks of "powers which God hath ordained", to which kind of ordination is it referring? Also, what, specifically, is the proper jurisdictional boundary between the civil and the ecclesiastical, and what are their specific jurisdictions in general? If one intends to speak of prosecuting people for violating such jurisdictions, then it's important that one have such jurisdictions rigorously defined. But that's been one of the shortcomings in Christian theology since long before the WCF was written. The WCF was written during the 1640s, when the English "Long Parliament" assembled the authors "to advise Parliament on how to bring the Church of England into greater conformity with the Church of Scotland and the Continental Reformed churches".[1] So the whole idea was to establish Calvinistic Christianity as England's state church. As is evident in the subsequent events of the English Civil War, that never happened. In other words, by God's **decretive will**, it never happened. Because God's judgment begins in His Church, it's obvious that God judged those plans to be inadequate. The deficiency of 20.4 can be taken as evidence for why God judged those plans inadequate. And this brings this booklet's narrative back to its theme, namely, the inadequacy of standard and traditional interpretations of Romans 13 passages, and the presentation of an alternative.[2]

Sub-Chapter 5: Exegesis of Romans 13:1-7 Incorporating the Jurisprudential Genre

As stated in this booklet's Part I, Romans 13:1-7 is layered. Each layer is true, but each layer has a distinct interpretation depending upon hermeneutical policies. In modern American Christianity, the facial layer is the preferred interpretation. From the perspective of the non-facial layer, the facial layer is true, but offers insufficient guidelines for action in everyday life, and therefore not as true as it could be.

Romans 13:1-7 is reputed to have been Adolf Hitler's favorite Bible passage, and he no doubt believed that it should be interpreted with its facial clarity. Because it's

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1 WCF-OPC, "Preface", p. vii.

2 It's important to note that when the Presbyterian Church in the United States of America was formed in 1788, it "revised chapters 20.4, 23.3, and 31.2" of the WCF to remove the civil magistrate (the state) from involvement in ecclesiastical matters. This entailed elimination of the following phrase from 20.4: "and proceeded against by the censures of the church***, and by the power of the civil magistrate***."

written to Romans, it's clear that "governing authorities" would include emperors like Nero and dictators like Hitler. The opinion that this passage is as clear as it needs to be appears to be pervasive in American Christianity these days. Evidence that this is true can be seen in the fact that American churches have almost universally entered into contracts with the Internal Revenue Service, thereby giving these churches a submissive status under United States Code, Title 26, section 501, and thereby violating Paul's exhortation to avoid entering into contracts with people outside the Christian community (2 Corinthians 6:14-18). Taken as a whole, this booklet's narrative shows why, even though the passage appears to be clear on its face, it is emphatically not really clear on its face. This booklet shows why it's dangerous to follow too closely the Reformed hermeneutic's "Rule 3: Historical Narratives Are to Be Interpreted by the Didactic". It's probably more accurate to say that "Historical Narratives Are to Be Interpreted by the Didactic [unless there is overwhelming, rational evidence from the historical narrative that qualifies the didactic]". This booklet also shows the dangers of too closely following "Rule 4: The Implicit Is to Be Interpreted by the Explicit". It's more accurate to say that the "Implicit Is to Be Interpreted by the Explicit [until evidence mounts explicating the implicit to such an extent that the implicit no longer needs to rely on what was previously understood to be explicit]". In the case of Romans 13 passages, terminology that has almost always been taken as facially clear, must be taken as terms of art, the definitions of which arise out of monumental evidence in the historical narrative. The facially clear terminology comes from the vernacular, and that terminology is inherently extra-biblical. When one assumes that the facial clarity of this Romans 13 terminology is sufficient to properly understand the passage, when in fact it is not sufficient, evidenced by the fact that the assumed clarity leads the interpretation into internal contradiction, and also evidenced by the fact that the internal contradiction can be resolved through terms of art arising out of the historical narrative, then the passage should be interpreted through such terms of art, rather than through the vernacular. These claims apply emphatically to Romans 13:1-7:

> 1 Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God.
>
> 2 Therefore he who resists authority has opposed the ordinance of God; and they who have opposed will receive condemnation upon themselves.
>
> 3 For rulers are not a cause of fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good, and you will have praise from the same;

> 4 for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil.
> 5 Wherefore it is necessary to be in subjection, not only because of wrath, but also for conscience' sake.
> 6 For because of this you also pay taxes, for *rulers* are servants of God, devoting themselves to this very thing.
> 7 Render to all what is due them: tax to whom tax *is due;* custom to whom custom; fear to whom fear; honor to whom honor.
>
> (Romans 13:1-7; **NASB**)

The subject matter of this passage is "governing authorities", specifically, how Christians should relate to them. It's obvious on its face that when Paul speaks of "governing authorities", he's referring to sword bearers. Verse 4 says plainly that the "governing authorities" that he's speaking of in this context "bear the sword". So he's not speaking about any number of other kinds of authorities one might have in one's life, like father, mother, teacher, pastor, *etc*., none of whom are by definition sword bearers. He's speaking primarily about whoever is part of the secular government, whether it be king, queen, president, prime minister, caesar, tribune, senator, congress, judge, policeman, councilman, mayor, tax collector, legislator, *etc*. Even if these agents of secular government do not actually bear the sword, they have some command authority over people who do bear the sword. Obviously, "sword" symbolizes any weapon that can be used to coerce people. So a sword bearer in this context includes anyone who bears arms for the state, and anyone who has command authority over such sword bearers. But it's important to consider that because the distinction between *secular social compacts* and *religious social compacts* did not exist in Paul's day, "governing authorities" who "bear the sword" could ostensibly refer to sword bearers within a *religious social compact*, and not exclusively to sword bearers within secular government. On the other hand, because these entities have the power to tax (vv. 6-7), these entities must exist primarily within secular government. This conclusion is reinforced by the fact that Paul's primary audience in the Book of Romans was non-Jewish Christians in Rome. They were in the capital of the empire, and the empire presumed to govern everyone, regardless of the governed's religion. So Rome was the prototypical jurisdictionally dysfunctional secular government. For this reason, this **exegesis** will focus on "governing authorities" who "bear the sword" as agents of secular government, not on religious entities who "bear the sword". That focus on secular sword bearers is obviously Paul's focus in this passage.

Because this passage, like the other Romans 13 passages, pertains primarily to secular government, it obviously involves the existence of human laws, meaning laws that humans impose upon other humans. It also involves the specific jurisdiction of secular government. On its face, Paul appears to be here recommending that everyone in his audience be obedient to secular authorities without any recognition of limitations on the jurisdictions of those authorities. The main reason it's necessary to recognize a two-tiered interpretation of this passage is because Paul indicates practically no jurisdictional limits to these authorities, and it's necessary to search the historical narrative to find such limitations. To leave these flawed human authorities with no jurisdictional limits is to invite them to excesses that have been all too common in human history. So the default interpretational tier, the facial layer, must exist for the situation in which people have not searched and found the jurisdictional limits that the Bible sets on these authorities. The second interpretational layer exists for the situation in which people HAVE searched and found the jurisdictional limits that the Bible sets on such authorities.

Reason demands that both God's **decretive will** and His **preceptive will** be crucial to the proper interpretation of Romans 13, as they are to the entire Bible. Interpreting it with an emphasis almost exclusively on God's **decretive will** does appear to lead the passage, when taken in isolation, into a maze of contradiction. Among other things, the maze of contradiction exists because the vernacular of the facial reading implicitly but inevitably puts the ruling class above the law that applies to everyone, including the ruling class. By strictly following the Reformed hermeneutic, as tweaked by this booklet, there is no contradiction inherent in this passage, and the passage is not inherently in logical contradiction with any other part of Scripture. But without the tweaked hermeneutic, the logical contradictions remain. What's going on here is that when Bible interpreters rely on vernacular definitions of the terms in this passage, rather than on understanding them as terms of art that are defined in jurisprudential passages within the historical narrative, then the interpreters fail to find the true *sensus literalis* of this passage.

On its face, Romans 13 is instructing Christians to kowtow to statists. But Paul is not dumb, he's not ignorant, and he's not giving simplistic instructions. To comprehend this passage, it's important to understand that it contains a mixture of implicit references to God's **decretive will** and God's **preceptive will**. — Even though there is this obvious distinction between secret things and revealed things (Deuteronomy 29:29), God's will is in operation in regard to both secret things and revealed things. In both sets of things, and with all due consideration to **progressive revelation** and progressive understanding, God decrees whatsoever comes to pass. Because God is sovereign over the universe and over every creature within it, God's

decrees are those of an unchallengeable sovereign. This is precisely why this booklet has found it necessary to posit the distinction between God's law as it's perceived by God, which is the eternal law, and God's law as it's perceivable by mankind, the natural law. Although God created the entire universe and everything in it, and did so by way of laws, covenants, and jurisdictions, and thereby did this creation by way of eternal laws that are terms of eternal covenants, it certainly doesn't follow by rational necessity that humans are capable of knowing all such eternal laws. Because of human finitude, it's silly for any human to believe that he/she is capable of knowing all of the eternal law. It's as silly as the delusion that he/she is God. That's precisely why this booklet has found it necessary to posit the distinction between eternal laws that are capable of being known by humans and eternal laws that are NOT capable of being known by humans. This booklet designates as natural law all eternal law that is capable of being known by humans. So God's **decretive will** is intimately connected to the eternal law, and similar to the way natural law is that subset of eternal law that is capable of being known by humans, God's **preceptive will** is the subset of God's **decretive will** that God intends for humans to use as rules or principles for guiding their actions and conduct.

On its face, Paul in this passage is mandating universal obedience to "the governing authorities", also known as "the higher powers" (**KJV**) (v. 1). Neither of these translations is controversial, largely because the nature of these entities is explained in verses three and four. By "governing authorities", Paul means "rulers" (v. 3) who "bear the sword" (v. 4). A face-value reading of this has a clear meaning: *Obey the government and be submitted to it.* Because this understanding appears to be so obviously clear under a face-value interpretation, it may on its face seem obvious that utter obedience is the proper interpretation. This is confirmed by the corollary to the Reformed hermeneutic's Rule 4, which says that the obscure should be interpreted by the clear. On its face, this passage appears to be so clear that the interpreter is prone to use this passage as a control for interpreting the rest of Scripture. But recognizing this passage as existing within the jurisprudential genre of literature, and recognizing that it must be rationally consistent with other occurrences of the jurisprudential genre, demands some interpretation other than the face-value interpretation. This is because the face-value interpretation rationally contradicts other jurisprudential passages. Even though this Romans 13 passage appears in the didactic, it must stand in rational consistency with jurisprudential passages that appear in the historical narrative. Because the face-value interpretation rationally contradicts other jurisprudential passages, this passage fails Rule 4's clarity test. Under such circumstances, the passage must NOT be used as a control for reading the rest of Scripture. So if the face-value "governing authority" happens also to be a murderer, liar, and thief, then he/she is disqualified from the honor the

passage demands for governing authorities, at least to the extent that this would-be ruler has put his/her self under the subject-matter jurisdiction of globally prescribed human law by violating such law.

To properly interpret this passage, it's necessary to interpret it within its *sensus literalis*, as defined in Part I. It's necessary to recognize that many of the terms that Paul uses in this passage are terms of art. The art is jurisprudence, meaning the arena of human law. Example: The expression, "governing authorities" has an obvious meaning in the vernacular, and that meaning is used in the default, facial comprehension of the passage. The vernacular says that Paul is talking about the agents of whatever government happens to be in power wherever his audience happens to be. It's certain that it is God's **decretive will** that those authorities be in power in that particular place. But through progressive understanding, it's also clear that the Bible also proposes the qualifications for office and how those "governing authorities" should exercise their power. Given that this is the case, "governing authorities" must necessarily be a term of art referencing that aspect of God's **preceptive will**. Given that God's **preceptive will** about what secular human law should be genuinely exists in Scripture, it's necessary to take most of the terms in this passage as terms of art that derive from God's **preceptive will**. Hence, every word and phrase in this passage needs to be treated as possibly being a term of art that references the jurisprudential portion of the special revelation of God's **preceptive will**. If that can't be done, then it's necessary to allow the default facial interpretation to stand as though it were the *sensus literalis*. On the other hand, to whatever extent the passage's words and phrases can be taken as having been defined by the jurisprudential genre elsewhere in Scripture, it's necessary to understand that the *sensus literalis* is based on God's **preceptive will**.

From the perspective of God's **decretive will**, God decreed not only humanity's existence, but also the fall, the original sin, the existence of *HaSatan*, human misery, and the existence of human government. But as the Westminster Confession of Faith indicates, "yet … neither is God the author of sin, nor is violence offered to the will of the creatures; nor is the liberty or contingency of second causes taken away, but rather established."[1] So as this booklet has been showing from its beginning, even though God is utterly sovereign, and even though everything in the universe has been ordained and decreed by God from the beginning, it's a gross misunderstanding of the human condition to blame God for sin, Satan, suffering, and the existence of the state. The existence of these things is certainly linked ultimately to God's **decretive will**. But to gain the proper understanding of these things and their existence, it's necessary to filter the perception of God's **decretive will** through the matrix

1 WCF, 3.1. — URL: http://www.reformed.org/documents/wcf_with_proofs/.

of God's **preceptive will**. While God's **decretive will** established the eternal law, God's **preceptive will** defined that subset of the eternal law that is the moral-law leg of the natural law. God's **preceptive will** establishes the precepts that humans need as miniature sovereigns.

Consideration of whether the face-value interpretation of this passage is clear or not inevitably involves a question about whether Paul would ever be deliberately vague, but with a veneer of clarity, in his writing a God-breathed, inerrant, true, and infallible passage of Scripture. Given Deuteronomy 29:29, "The secret things belong to the LORD our God, but the things revealed belong to us and to our sons forever", it's necessary to believe that Paul deliberately left some things unsaid, because he knew that his primary audience was not ready to hear the whole truth about these "governing authorities". Given the natures of historical progress, **progressive revelation**, and progressive understanding, it's reasonable to consider the possibility that what he was deliberately not saying about the jurisdiction of "governing authorities" he knew would be discovered in time through progressive understanding, because the issue was already covered in Scripture. It already existed in **progressive revelation**, but it would take time for progressive understanding to catch up with **progressive revelation**. Although the Messianic covenant's **progressive revelation** officially ended the Genesis 9:6 dormancy, Paul must have known that it would take a long time for progressive understanding to catch up to that official end. In the meantime, he, his fellow apostles, and much of early Christianity would need to be satisfied with being happy victims of the state. Paul knew, as a divinely inspired author, that what he was saying then with a veneer of clarity would eventually become genuinely clear through more astute Bible interpretation. So he obviously wrote it to have a layered, two-tiered meaning, one layer for people new to the biblical covenants, as were practically all the Gentile Christians to whom he ministered, and another layer for the people who had experienced centuries of progressive understanding; one layer for people who had minimal exposure to Scripture, and another layer for people who understood the Bible's **progressive revelation**; the text remaining inerrant and infallible in both cases.

Secular jurisprudence was not adequately enough developed when Paul wrote Romans for him to go into an exposition of how these sundry jurisprudential concepts can be found in the Bible. In the same way that the secular fields of logic, grammar, and genre analysis have developed since Paul's day, and that these secular fields are helpful in orthodox Bible interpretation, the field of jurisprudence has developed and is crucial to the proper interpretation of Romans 13 passages. In this passage Paul is speaking as God's spokesperson, and is essentially laying out the parameters of God's **preceptive will** as it pertains to the Christian's attitudes about secular human

government. In other words, Paul is expounding the moral-law leg of the natural-law tripod as it pertains to secular human government. The natural law encompasses both the Bible's description of natural law and its prescription of human law. The same way that the natural law is not confined to special revelation, even though it is conceptually encompassed by it, God's **preceptive will** is also not confined to special revelation, although special revelation conceptually encompasses it.[1] In a similar manner, God's **preceptive will** as it pertains to secular human government is also not confined to special revelation, although special revelation conceptually encompasses it. As Paul indicates in Romans 1:18-32, God's **preceptive will**, His moral law, is broadcast into the heart, mind, and conscience of every human being, but humans generally suppress it, don't want to know about it, and refuse to abide by it. As is evident in Genesis 9:6, God's **preceptive will**, throughout the ***law-enforcement epoch***, has been for humans to govern themselves in a way that stays within rational jurisdictional boundaries. But as long as humans have refused to operate within God's **preceptive will** in this regard, they've suffered under the obvious alternative, jurisdictionally dysfunctional human governments, *i.e.*, the state. The refusal to operate within God's **preceptive will** in regard to human governance leaves human societies victims of statism, by default. Because this refusal has been the default since the Tower of Babel, statism has been the default. These facts bear directly on the proper approach to interpreting and understanding Romans 13 passages.

Through His **decretive will**, God has certainly ordained tyrants to reign over human populations that reject the moral-law leg of the natural law. For those fallen creatures, God also ordains hurricanes, volcanos, earthquakes, and other "acts of God". A facial reading of Romans 13 leads to the conclusion that God's ordination of the jurisdictionally dysfunctional state falls into this same category with natural disasters. The state, even if it fails to properly distinguish good from evil in its policies and laws, acts as a goad to steer God's people towards their final destination, the same way God uses natural disasters to steer His people. On the other hand, a reading of the entire Bible by anyone aware of basic jurisprudential concepts leads almost inevitably to the conclusion that God's **preceptive will** must have a crucial role in the proper interpretation of this passage. It's reasonable to doubt that God's **preceptive will** encourages any human or group of humans to subjugate and tyrannize any human population. As is evident in the above examination of the genocide, this is true alongside the fact that God justly mandated the biblical genocide. God's **preceptive will** doesn't encourage people to tyrannize other people, in spite of the fact that God certainly mandated the Mosaic genocide. God was

1 Special revelation forms a conceptual matrix within which all of general revelation is subsumed.

justified in doing this for the reasons given above, because the flourishing of the Church is more important than natural rights. This means that the protection of natural rights must exist for the sake of the Church, not in spite of it.

It's clear from reading this passage that Paul is positing that secular human government exists as part of the **decretive will** of God. It's also obvious that he is positing some moral posture that his audience should have towards secular human government. This moral posture is obvious to anyone who uses the vernacular definitions of the terms in the passage. The moral posture is, SUBMIT. But Paul neglects to posit moral parameters and limitations on people actually participating in secular human government, *i.e.*, on sword bearers. In the view of the biblically sub-literate, Paul is not positing any limitations on government. All the limitations are placed on those subject to secular human government, not on those exercising the power of secular human government. This is the obvious reading to the biblically sub-literate because they generally don't know where in the Bible to look for God's **preceptive will** in regards to limitations on secular human government. This is a failing in progressive understanding and systematic theology. There is a topical approach to **exegesis** that has been the standard in Reformed systematic theology for centuries. But this topical approach is insufficient to provide proper interpretation of Roman 13 passages. Some biblical topics don't yield well to a topical approach to **exegesis**. Such topics, especially biblical jurisprudence, demand chronological **exegesis** instead of the more conventional topical **exegesis**. This chronological approach is precisely the approach that has been used in this booklet. God's **preceptive will** regarding secular human government is discoverable through such chronological **exegesis**, as everything in this booklet up to this point proves.

Because Paul's audience has been nowhere near as astute in Bible interpretation as he was, from the day he wrote Romans up to the present, it's been normal for his audience to understand "governing authorities" to be whatever officials happen to be in control of the governmental power centers in their area, whether it be Roman soldiers / American cops, Roman tribunes / American federal judges, or Roman emperor / American president. This face-value reading leads to the belief that because "there is no authority except from God" (v. 1), God has established all these authorities. As far as the **decretive will** of God is concerned, there is no doubt that this is true. The naive, face-value reading of this passage stops there, because people haven't known where else to look for God's **preceptive will**, regarding this subject. If God said nothing in His **preceptive will** about the proper boundaries for human government, then this naive, face-value interpretation would necessarily stand unchallenged as the correct interpretation. But God's **preceptive will** most certainly does address this issue. To be ignorant of this fact is certainly forgivable,

but to deliberately ignore this fact is a violation of long-honored Bible-interpretation policies, namely, the "analogy of faith", the conviction that the Bible interprets itself, which demands that people devote themselves fully to progressive understanding.

The concept of **progressive revelation** is a crucial precursor to understanding God's prescription of secular human law. God doesn't change. God's law doesn't change. But humans change; human comprehension of natural law changes; and human comprehension of God's prescription of human law changes. This is precisely why it has been necessary to take a chronological approach to finding God's prescription of human law in Scripture. Human law as a subject is far more volatile and unstable than eternal law and natural law, so it's necessary to understand its chronological trajectory. This distinction between the immutability of God, the eternal law, and the natural law, versus the mutability of mankind, is precisely why the distinction between topical **exegesis** and chronological **exegesis** is crucial. Regarding God and natural law, a topical approach to biblical **exegesis** works fine. One can look in all parts of the Bible, without regard to chronology, for biblical information about such topics. In regard to topical **exegeses** of topics that fall within this God-centered arena of topics, it works fine to follow rule 3, "Historical Narratives Are to Be Interpreted by the Didactic". This is because Paul's Epistles are so clear in regard to God-centered topics. But regarding humans, the human comprehension of natural law, and that subset of natural law that is God's prescription of human law, the Didactic is not so clear. This is because such topics are inherently dependent upon chronology. A topical approach to biblical **exegesis** will not generally yield satisfactory results in regards to such topics. So to focus on discovering the biblical prescription of secular human law, it has been necessary to focus on historical narrative, and to start the **exegesis** at the beginning, at Genesis 1:1. But in doing so, it has been crucial to avoid discarding anything that has been discovered through topical **exegeses**. All the God-centered information gleaned through topical **exegeses** has been understood to be stable, reliable, and true in order to keep the chronological **exegesis** on target.

The necessary distinction between chronological **exegesis** and topical **exegesis** can be seen to arise out of the analogy of faith. The presupposition that one can properly understand Romans 13 passages simply by assuming vernacular definitions of the terms in the passage, meaning, without properly consulting the rest of the Bible for definition of terms, violates the long-standing interpretational policy that holds that the Bible interprets itself. As indicated in Part I, this rule is called the "analogy of faith":

> The primary rule of hermeneutics was called "the analogy of faith." The analogy of faith is the rule that Scripture is to

> interpret Scripture: *Sacra Scriptura sui interpres* (Sacred Scripture is its own interpreter.). This means, quite simply, that no part of Scripture can be interpreted in such a way as to render it in conflict with what is clearly taught elsewhere in Scripture.[1]

This "primary rule of hermeneutics" clearly indicates that if there are other passages that have a bearing on the interpretation of this passage from Romans, then refusing to bring those passages to bear is a violation of this primary rule of hermeneutics. The naive, face-value interpretation is therefore inherently hazardous because it fails to bring these other passages to bear. It leads people to kowtow to statists, which is certainly appropriate in some circumstances, but which is quite the opposite in others. It's often not appropriate when humans are trying to understand God's **decretive will** in a way that doesn't violate God's moral law, and in doing so, their efforts at keeping a clear conscience and abiding by their understanding of the moral law, don't allow kowtowing. Even though there is a time and place for such refusal to kowtow, it's important to emphasize that there is also a time and place for such face-value naivete. This emphasis on face-value naivete has existed for most of the last two thousand years, simply because people have generally not been prepared or qualified to assume their responsibilities under globally prescribed human law. They've lacked the progressive understanding that's necessary for it.

After the above chronological **exegesis** of the Bible, searching for God's prescription of secular human law, it's now obvious that Paul was speaking a kind of coded message in Romans 13, using jurisprudential terms of art, and that this passage must be interpreted within the context of all the biblical covenants and not merely within the context of the New Testament and the vernacular. Under these circumstances, "governing authorities" are not merely people with a lot of political, military, judicial, or police power. But discovering what governing authorities are demands following this tweaked Reformed hermeneutic. The Reformed hermeneutic inherently mandates that special revelation must form a conceptual matrix within which all general revelation is subsumed. Up to the invention of "presuppositional apologetics" in the first half of the 20th century, all bona fide Bible scholars followed this primary rule of hermeneutics, the "analogy of faith", and they all generally admitted that there is much knowledge in general revelation that is not explicitly contained in special revelation. So implied in the "analogy of faith" is the belief that to whatever extent the Bible may leave itself ambiguous, recourse to general revelation may be permissible. It's permissible especially when all of Scripture has been consulted for the sake of establishing the conceptual matrix necessary for the

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1 R.C. Sproul, **Knowing Scripture**, Chapter 3, "Hermeneutics: The Science of Interpretation", p. 46.

proper interpretation of general revelation. With only rare exceptions, this primary rule of hermeneutics, as it pertains to this passage from Romans, has not been followed by the visible Church, throughout Christian history. On the contrary, the face-value interpretation of this passage has dominated, and has even been used by characters like Adolf Hitler to rationalize statist excesses. This face-value interpretation has never adequately defined "governing authorities", and schools of interpretation that oppose Reformed hermeneutics have generally done even worse.

During the early centuries of the visible Church, there was little need for Paul's audience to recognize the terms of the Messianic covenant that are pertinent to jurisprudential damage, the curtailment of which is the reason for the existence of secular government. That's because there was practically no hope then for reining the Roman Empire into proper jurisdictional confines. Besides, the emphasis then was properly on soteriology in general, not on jurisprudential libertarianism, which is a small but important segment of the field of sanctification. On the other hand, chronological **exegesis** shows that God's priorities regarding human governance of other humans was well portrayed by the object lesson that shows up in the ***anarchy epoch***. God then deliberately showed reluctance to allow or encourage humans to govern other humans. Now that the state, even with all of its abuses and dysfunction, is a fixture in human society, the solution to its dysfunction is to return to and stick with those original priorities of the ***anarchy epoch***, as much as is possible, without succumbing to the delusion that the ***law-enforcement epoch*** has ended. God prefers to have relationships with people that are not mediated by human mediators like secular human government. In other words, God prefers humans to be governed by natural law without the existence of human law. Human law, and secular human government, are concessions to human fallibility. In order for humans to implement secular human government properly over the long haul, it's necessary for them to first have their priorities straight with regard to God's **preceptive will**. Having good motives, meaning proper recognition of the *imago Dei*, is a prerequisite to proper implementation of secular human government over the long haul. If one doesn't properly understand soteriology, then it's extremely unlikely that one will appreciate the existence of the *imago Dei* in other people. If one doesn't recognize the *imago Dei* in other people, then it's extremely unlikely that one will be able to implement this extremely small sliver of the sanctification process that is God's **preceptive will** regarding the implementation and limitation of secular human government.

If the field of soteriology is understood to be encompassed by the so-called "*ordo salutis*", the rational order of salvation indicated in Romans 8:29-30, then sanctification is understood to be a small part of soteriology. Those two verses say that "those whom he [(God)] foreknew he also predestined to be conformed to the

image of his Son, in order that he might be the firstborn among many brothers. And those whom he predestined he also called, and those whom he called he also justified, and those whom he justified he also glorified." (**ESV**) Because people are justified by faith, faith is something that stands rationally between calling and justification. Sanctification is the process of gradually growing closer to God between the moment of justification and death. So as far as Christians are concerned, the human focus on secular human government is part of this sanctification process. But because secular human government, at its best, is an outgrowth of the global prescription of human law, it is also an outgrowth of common grace. So human focus on secular human government is a function of sanctification and common grace, and sanctification is merely a subset of soteriology, of the overall process of salvation. Establishing these priorities was far more important to Paul than any focus on God's **preceptive will** regarding secular human government. Paul was smart enough, being inspired by the Holy Spirit, to phrase Romans 13 so that it clearly presents the priorities of the Messianic covenant without negating God's **preceptive will** as it clearly appears in Genesis 9.

The proper interpretation of Romans 13:1-7 requires that practically every word be defined within the context that the Bible has already established. By assuming that each word is clearly defined by vernacular definitions, the Bible reader is making a mistake that is common among laymen when they read legal documents. The layman doesn't understand that a word that appears to be an ordinary word has a specific and specialized definition within the legal document. Such assumptions can lead the layman into extremely serious legal problems, thus the jurisdictional dysfunction that has defined secular government for millennia. — Certainly Paul's audience in the early centuries of the Christian Church did not suspect that he might be using ordinary words in technical ways. But the existence of terms within the Messianic covenant that are pertinent to jurisprudential damage and the awakening of the natural-rights polity from dormancy, demands that the reader acknowledge the possibility that Paul is deliberately using terms of art within this passage. To refuse to entertain this possibility is to insist on vernacular-based **eisegesis**, instead of genuinely allowing the passage to speak through **exegesis**, through "the analogy of faith", and through its *sensus literalis*.

There is a myth common in Christendom that the state is ordained by God. As already indicated, this is certainly true in regards to God's **decretive will**. But the claim that it's true regarding God's **preceptive will** has been held suspect from the beginning of this booklet. The above investigation of the biblical covenants does not support this myth in regards to God's **preceptive will**. Neither does a thorough examination of the entire Bible. What the Bible clearly ordains is a natural-rights

polity. It does not ordain human government willy-nilly. When Paul wrote this letter to the Romans, he must have known that neither the Romans, nor anyone else then, was ready for the natural-rights polity. Being inspired by the Holy Spirit, it must have been intuitively obvious to him that it might take centuries for the natural-rights polity to develop within Christian societies. So he needed to use language that could have a dual meaning, one to encourage his naive readers to keep peace with statists, and the other to encourage his more biblically literate readers to implement the natural-rights polity as peacefully as possible. Whether people choose to comply more with the face-value interpretation or the natural-rights interpretation depends upon the answer to one question: ***Through which interpretation does the Church of Jesus Christ best prosper both on earth and in heaven?*** So the welfare of the Church is the overriding issue. This was also the determining issue in the genocide: Which way best prospers the Church of Jesus Christ both on earth and in heaven, to tolerate pagan practices, including child sacrifice, or to annihilate the pagans? Through the genocide, God made it clear that the protection of natural rights was lower priority than the earthly and heavenly prosperity of the Church. In a similar manner, whether one chooses to interpret Romans 13 passages through the facial / vernacular approach or through the more rigorous whole-Bible / natural-rights approach depends upon one's evaluation of which approach best prospers the Church. The leaders of the early Church knew that "the blood of the martyrs is the seed of the Church".[1] They would follow the face-value interpretation up to the point at which continuing to do so would entail repudiation of Christ and the Church. Then they would choose Christ and martyrdom over kowtowing to the state. Even Peter and Paul had to make that choice, ultimately rejecting the face-value interpretation for the sake of conscience, Church, and Christ. Where one draws the line between face-value / kowtowing, on one hand, and the more knowledgeable and conscientious, on the other, depends upon a huge number of factors. Even so, if the Church is to mature, then its people need to defend it based on the whole council of God, and on God's **preceptive will**, more than on historical facts, regardless of whether those facts be biblical or extra-biblical.

The implementation of the natural-rights polity must be subject to the same priorities. Every inch of Christian movement towards the natural-rights polity should happen as an answer to the question, ***What best prospers the Church of Jesus Christ both on earth and in heaven?*** In general, broadly defined *ecclesiastical* terms of the Messianic covenant take priority over the natural-rights polity. This is because the natural-rights polity requires that the terms pertinent to jurisprudential damage arise naturally out of the broadly defined *ecclesiastical* terms, because they

1 Tertullian, **Apologeticus**, Chapter 50.

arise out of the Genesis 9:6 *motive clause* and the existence of the *imago Dei*. So overall, the natural-rights polity has very low priority in the Messianic covenant. But there is certainly a time and place for its emergence. The emergence is necessarily a function of the discovery of the terms of art in Romans 13 passages through progressive understanding; and it's simultaneously a function of the question, What best prospers the Church?

With this context established, it's possible to interpret this passage using this tweaked Reformed hermeneutic. But before doing so, it should be understood that there is little or no controversy among Bible translators about the source meaning of this passage. Like Genesis 9:4-6, this passage means in reliable English translations the same thing that it means in the source language. The controversy doesn't exist in the source language, but in the concepts those words cue. The contrast between the facial interpretation and the tweaked Reformed hermeneutic's interpretation can be seen by comparing the answers the two interpretations yield to a series of questions.

(i) Verse 1a

(1) Questions:

When verse 1 says, "Let every person", what's meant by "every person"? Does "every person include infants, women, non-Christians, and foreigners?

(2) Answers According to Facial Hermeneutic:

Through a facial interpretation, "every person" means literally every person. Paul may have been writing to Christians in Rome, but a facial reading doesn't limit "every person" to that audience. At Paul's writing in the first century, the visible Church on earth certainly didn't have control of the government. But when Christians gained more control of Roman government in the fourth century, the default reading of this text was still literally "every person", regardless of whether they were Christian or not. The Christians who acquired control of the Roman government at that time weren't always demure about imposing "Christian" human laws on non-Christians. So according to this facial interpretation, "every person" certainly includes infants, women, non-Christians, and foreigners.

God's **decretive will** includes all the things that God providentially causes, where those things might be recognizable by humans in chronological time. Accordingly, there can be no doubt about the fact that God decreed from the beginning of time the existence of such "governing authorities". This is confirmed by the sentence, "there is no authority except from God, and those which exist are established by God" (v.1). So anyone who resists such authorities is putting his/her self at odds with God's **decretive will**, and such people "will receive condemnation upon themselves"

(v.2). Each of the "rulers" who constitute the "governing authorities" is "a minister of God to you for good" (v.4). So if one does good, one will have praise from these authorities (v.3). On the other hand, if one does evil, then one will suffer by way of these rulers because this authority is "an avenger who brings wrath upon the one who practices evil" (v.4). Because these governing authorities have been set in place by God's **decretive will**, "it is necessary [for one] to be in subjection" (v.5). So it is necessary for people to be in subjection, (i)because God, through His **decretive will**, has given these rulers their authority; (ii)for the sake of avoiding the ruler's wrath; and (iii)"for conscience's sake" (v.5). Interpreting this passage based on the face-value, vernacular meanings of the words, combined with the assumption that the "governing authorities" are rulers because it's God's **decretive will** that they be such, leads rationally to the conclusion that "every person [should] be in subjection", and should give taxes, customs, fear, and honor to them. And every person should do so without regard for the jurisdictional limitations under which these rulers rule, and regardless of whether the given person is Christian, infant, female, or foreigner.

(3) Answers According to Tweaked Reformed Hermeneutic:

This passage is a jurisprudential genre of literature. It must be rationally consistent with other occurrences of the jurisprudential genre in the Bible, regardless of whether those other occurrences appear in the historical narrative or in the didactic. Because the covenantal structure of the Bible demands that subsequent covenants build on previous covenants, the Messianic covenant inherits terms of the Noachian covenant, which established the parameters of the Bible's globally prescribed human law. When Paul says "every person" here, he certainly means everyone in his audience. But because he's giving legal instructions here, it's necessary to understand him as speaking of the *in personam* jurisdiction of some biblical covenant. Because he's speaking about secular government, he's speaking of those under the lawful jurisdiction of such secular government. This phrase, "Let every person", is important because it sets the *in personam* jurisdiction of Paul's declarations in Romans 13:1-7. Because this passage is clearly speaking about secular government, and not about some religious government, "every person" defaults into being a reference to the *in personam* jurisdiction of the global covenant. The *in personam* jurisdiction of the global covenant may include the entire human race after the Noachian covenant was cut, but the significance of such personal jurisdiction becomes apparent only by way of its human-law subject matter. If a Christian, an infant, a woman, a non-Christian, a foreigner, or anyone else causes jurisprudential damage to someone else, then such a person has violated the *negative-duty clause*, and has thereby made his/her self subject to secular government. Even though Paul did not articulate these things, because he was an inspired author of infallible literature, it must be true that somewhere

in the recesses of his mind he knew these things and was not writing contrary to these things. He also must have known that although the *positive-duty clause* called for all people, including infants, women, *etc.*, to enforce against violations of the *negative-duty clause*, this calling is not enforceable through human law except by way of voluntarily entered contracts. This limits the *in personam* jurisdiction of "Let every person" to people who have volunteered. Because Christians in general are called to be party to local Christian *religious social compacts*, all of which inherit the Noachian covenant's *positive-duty clause*, all Christians are called to volunteer to enforce against violators of the *negative-duty clause*, either actively or by proxy. — The conclusion is that according to the tweaked Reformed hermeneutic, (i)"every person" means literally every person when it comes to avoiding the violation of the lawful human laws of secular human government; and (ii)it means Christians when it comes to enforcing such laws either actively or by proxy.

(ii) Verse 1b

(1) Questions:

When verse 1 says, "Let every person be in subjection", what's meant by "be in subjection"? Are there any limits to such subjection? If so, what are they?

(2) Answers According to Facial Hermeneutic:

According to the vernacular reading, "Let every person be in subjection" to secular government simply means that everyone must submit to it. It's no more complex than that. So "be in subjection" simply means that because secular government has been established by the **decretive will** of God, everyone is obligated to act in a subservient manner, as a subject, to whatever secular government God has put in place. Because no limits to this submission are mentioned in this passage, it must be assumed that none exists except through the limitations imposed by normal human disabilities. Even though this is true, Paul's saying that "there is no authority except from God, and those which exist are established by God" (v. 1b), indicates that the primary "governing authority" to whom one is to "be in subjection" is God. Even though that's also true, the fact that this passage is focused on secular human government entails that Paul is talking about being "in subjection" to such government as a sub-function of being in subjection to God.

(3) Answers According to Tweaked Reformed Hermeneutic:

Because this is a jurisprudential passage of Scripture, the tweaked Reformed hermeneutic demands that "subjection" be understood to be a term of the jurisprudential art. This doesn't mean that the definition of the term is extra-biblical. It means that one must first look to earlier jurisprudential passages for the term's

definition. Because the context entails that Paul is speaking of subjection to secular government and not church government, it's necessary to accept "subjection" as reference to some jurisprudential passage of Scripture that speaks specifically about subjection to secular government. Because the Abrahamic and Mosaic covenants are local, and not secular, it's necessary to resort to the global covenant to see what it says about subjection to secular government. The only pertinent passage is in the Noachian covenant, Genesis 9:4-6. That passage doesn't say anything directly and specifically about submission to secular government, but it does establish a rule that applies to all human beings, specifically, ***Whoever sheds the life of man, by man shall his life be shed.*** This means that whoever has taken on the task of pursuing justice against life shedders is an executioner of this global rule, this prescription of global human law. To people who don't have the wherewithal to pursue such justice, this prescription of global human law demands great deference to those who do have the wherewithal, and who do pursue such justice. That's because this global prescription of human law clearly demands that all people pursue such justice. Because most people don't have the wherewithal to do so, it's incumbent upon those who don't to at least be grateful to those who do, and to pursue such justice by proxy, through the one who is actually pursuing it. For Christians, this gratitude is to be expressed in "subjection", submission, and service to those who are actually pursuing justice. Although the global covenant clearly calls non-Christians to the same kind of subjection, submission, and service, it does not penalize them through human law if they refuse to be in such subjection. So there are certainly limits for such subjection in regard to non-Christians. Limits for Christians must necessarily exist whenever this executioner of the global rule becomes a violator of the rule he/she is supposedly enforcing. Such limits also necessarily exist when being in subjection entails that the Christian violate his/her conscience, and his/her stewardship of that over which God has given the steward responsibility. Similar to the way Genesis 9:6 demands proportionality in the execution of justice, and thereby limits penalties, there must be proportionality in the degree of subjection the Christian offers to the executioner of the rule.

This dual meaning, and this split between the naive readers and the biblically knowledgeable readers, is evident in the compound sentence in the second half of verse one. According to the first half of this compound sentence, the reason Paul is mandating global "subjection to the governing authorities" is because "there is no authority except from God". It's clear that Paul is talking about human beings having power and authority over other human beings. Given that all fallen human beings come into the world via *bailment* contracts with mothers, it's clearly part of the human condition that some people have authority over others. But to say this without specifying limits to that authority implies that there might not be any

limits. So if Nero, Mussolini, Stalin, Hitler, Pol Pot, Mao, or any one of numerous other governmental mass murderers is set up through God's **decretive will** as the authority for the day, then the vernacular reading says, "God put them in authority. We must obey." On the other hand, because Romans 13:1-7 falls within the genre of legal literature, every expression in it must be treated as a legal term of art that arises out of the above chronological **exegesis**. Because jurisdiction is a fundamental legal concept, the focus should be on deciphering the jurisdictional boundaries to which Paul is referring.

If there is no discrepancy in one's own mind between subjection to God and subjection to human "authorities", then the facial reading of this passage works fine. But the more one understands it within the larger context, the more one understands that Paul would not demand anyone to disobey the supreme authority for the sake of obeying a lower-level magistrate. So as long as his audience sees no conflict between the supreme authority and the lower-level authority, "Let every person be in subjection" is demanding that the global *in personam* jurisdiction be universally obedient.

(iii) Verse 1c

(1) Questions:

When verse 1 says, "subjection to governing authorities", what's meant by "governing authorities"? How did these people become "governing authorities", and why should "every person" submit to them?

(2) Answers According to Facial Hermeneutic:

By "governing authorities", Paul means "rulers" (v. 3) who "bear the sword" (v. 4). So a face-value reading of this has a clear meaning: "Obey the government and be submitted to it." So according to the facial interpretation, "governing authorities" means precisely what the vernacular says it means: whoever happens to be running the secular government. Because God's **decretive will** has made them such governing authorities, it's imperative that the facial "every person" be in facial "subjection" to these facial "governing authorities". Otherwise, one is not being submitted to God's **decretive will**.

(3) Answers According to Tweaked Reformed Hermeneutic:

According to the tweaked Reformed hermeneutic, "governing authorities" of secular government are whoever is executing justice under secular human law, *i.e.*, under the Bible's globally prescribed human law. The only place that the Bible globally prescribes human law is in the Noachian covenant. These people became such "governing authorities" by volunteering, and by having the wherewithal to do

the job. Certainly God's **decretive will** is sovereign over such a voluntary choice. Every person should submit to them for the reasons given in the answers to the questions asked at verse 1b. Because God's **preceptive will** demands that every human execute justice against people who damage other people *ex delicto* or *ex contractu*, while many people lack the wherewithal to do so, every human has a duty under the moral-law leg of the natural law to be grateful to such "governing authorities", and to help them in every way they can, *i.e.*, to submit to them. But this moral duty does not translate into a human-law obligation except through voluntary commitment. So in all Christian *religious social compacts*, parties thereto should voluntarily commit themselves to being submitted to "governing authorities".

(iv) Verse 1d

(1) Questions:

Why and how is the statement, "For there is no authority except from God, and those which exist are established by God", in verse 1, a good reason to "be in subjection to governing authorities"?

(2) Answers According to Facial Hermeneutic:

Because God, by definition, has decreed everything that exists and everything that comes to pass, this fact, by itself, is ample reason to "be in subjection to governing authorities". Those "governing authorities" exist by God's **decretive will**. The answer to "how" is given in verse 7: with taxes, customs, fear, and honor.

(3) Answers According to Tweaked Reformed Hermeneutic:

According to the tweaked Reformed hermeneutic, this is a jurisprudential passage; so it is inherently an expression of God's **preceptive will**. So the word "authority" has a jurisprudential meaning that goes beyond the vernacular definition. It is a term of art that has its definition in the biblical covenants rather than in the vernacular. The facial understanding of the sentence is certainly true, but it helps readers to understand God's **preceptive will** in regard to secular government practically none at all. Because Paul so emphatically stresses God's **decretive will** in this second sentence in verse 1, the absence of emphasis on God's **preceptive will** amounts to a hint that Paul was deliberately designing a two-tiered interpretation. For the reader seeking to discover God's **preceptive will** in regard to "governing authorities", God's **decretive will** is also an extremely good reason to be in "subjection", although "how" "subjection" is defined is very different from the vernacular, as already indicated.

A long-standing problem in Christian theology has been the determination of where to draw the limits of "governing" authority. Propagandists for statism may often claim that this boundary is clear, but in Bible-based systematic theology, it's

never been clear. From this final sentence in verse 1, it's certain that Paul was not interested in entering into a discussion of jurisdictional limitations on "governing authorities" at that time. Regarding broadly defined *ecclesiastical* terms, Romans is an extremely sophisticated and elegant epistle. But regarding terms pertinent to jurisprudential damage, it may be true, but it's also extremely naive on its face. Paul made it this way deliberately, for reasons that are anything but naive. — He says that the authorities "which exist are established by God." No one who believes in the sovereignty of God can argue with this, because God made everything. But God cannot be counted the author of sin, because sin is a perceptual and actual problem for which humans must take responsibility. Nevertheless, God uses sin, pain, and suffering as goads to move his grand design forward. He allows Satan to put psychopaths in authority in human governments when the people are so morally jaded that THEY allow it. This morally jaded state is the rule in human history, and that's why statism is also the rule in human history. So when Paul implicitly claims that God uses psychopaths as secondary causes and goads to move the entire human race away from statism and towards the natural-rights polity, on its face such a claim may be naive, but beneath the surface, this claim is both complex and elegant. This being obvious by way of the tweaked Reformed hermeneutic, those who are actively working to fulfill the natural-rights polity are equivalent to "governing authorities", and the reason to be submitted to them is plain in the *positive-duty clause*. How to be submitted to them is also obvious by way of rational exposition of the *positive-duty clause*.

(v) Verse 2a

(1) Questions:

How does it follow from the claim that all "governing authorities" are established by God (v. 1) that "he who resists authority has opposed the ordinance of God", in verse 2?

(2) Answers According to Facial Hermeneutic:

Given that the "governing authorities" of secular government are truly "established by God", where "governing authorities" are defined by the vernacular, and almost entirely in terms of God's **decretive will** alone, rational necessity demands that anyone who resists this authority is also resisting God, *i.e.*, "has opposed the ordinance of God". So verse 2a follows verse 1's claim that "governing authorities … are established by God" by rational necessity.

When Paul says, "he who resists authority has opposed the ordinance of God", it's clear that Paul is setting up a very serious proscription. Because Paul is mandating a proscription here, it's crucial to understand the underlying meaning of "authority"

and "ordinance of God". It's clear that whatever "authority" there may be acquires its authority from "the ordinance of God". What is this ordinance? Where does this ordinance come from? People who use some hermeneutic other than the Reformed hermeneutic may be at a loss to answer these questions rigorously. But for people who have studied the Epistles rationally, the phrase, "there is no authority except from God", appears on its face to indicate that the ordinance the apostle is referring to here is part of God's **decretive will**. So "he who resists authority has opposed the ordinance of God" follows the decreed existence of "governing authorities" by rational necessity.

(3) Answers According to Tweaked Reformed Hermeneutic:

The tweaked Reformed hermeneutic necessarily agrees with the vernacular interpretation's claim that "governing authorities" and secular governments are established by God through His **decretive will**. But the tweaked hermeneutic also recognizes that Romans 13 passages also posit a place for humans to act, where such humans are committed to acting in conformity with God's **preceptive will**. Thus "governing authorities", at their best, arise not only out of God's **decretive will**, but also out human obedience to His **preceptive will**. Such obedience obviously requires that such humans have some knowledge about what God's **preceptive will** is, in regards to secular human government. Given this involvement of fallible humans in the establishment of "governing authorities" and secular human government, a next big question arises about whether obedience to such fallible human "governing authorities" is also predicated on God's **preceptive will** in regards to secular human government. The entire foregoing chronological **exegesis** proves that even people who are minimally involved in secular human government are given preceptive standards. The Genesis 9:6 standard says, "Whoever sheds man's blood, By man his blood shall be shed" (**NASB**). The *positive-duty clause* thus establishes that every human has a calling to execute justice against people who jurisprudentially damage other people. Because all lawful secular human government arises out of the same clause, those subject to the "governing authorities" retain this residual responsibility under God's **preceptive will**, no matter how gargantuan the secular government may become. As the foregoing chronological **exegesis** shows, definite jurisdictional implications arise readily out of Genesis 9:6, and such jurisdictions have huge implications for the interpretation of the clause in Romans 13:2, "he who resists authority has opposed the ordinance of God". The introduction of God's **preceptive will** into the interpretation, along with the recognition that these "governing authorities" are fallible humans, introduces complexity that must not be ignored.

Given that "governing authorities" are in the office of "governing authorities" through a combination of God's **decretive will** and His **preceptive will**, and given

that there are certain precepts by which these governors are to govern, and given that there are certain precepts by which the governed are to cooperate with the governors, is it reasonable to believe that the statement, "he who resists authority has opposed the ordinance of God", must be interpreted with blind obedience to the governors? No! To whatever extent the actions of those "governing authorities" conform to the precepts that govern the office, God's **preceptive will** mandates obedience to the edicts that arise out of such office. But to whatever extent the actions of those "governing authorities" oppose the precepts that govern the office, God's **preceptive will** mandates disobedience to the edicts that arise out of such perversion. As long as the "governing authorities" are acting in conformity to the precepts that govern their office, they are genuine "authority", and should not be opposed. To the extent that the "governing authorities" act in opposition to the precepts that govern their office, they cease having genuine "authority", and "he who resists" them is not resisting genuine "authority", but is instead resisting an unlawful entity operating under color of law.

This way of interpreting Romans 13:2a is more true than the vernacular interpretation because it doesn't neglect to recognize and address the fallibility of human governors. It shows how verse 2a follows from the claim that God establishes "governing authorities".

It's reasonable to take this verse as one of the primary sources of Christendom's myth that God has ordained the state. It's already clear that God ordained the state in the **decretive** sense. The state, in the traditional, slave-farming definition of that word, certainly exists, and God has certainly ordained "whatsoever comes to pass",[1] so God has certainly ordained the state in the **decretive** sense of that word. So there can certainly be no doubt that in the **decretive** sense, God has, in fact, ordained the state. So God has certainly ordained the slave-farming classes to reign over the slave classes, in the same way He ordains hurricanes, volcanos, earthquakes, and other "natural" disasters. A facial reading of this verse leads to the conclusion that God's ordination of the state falls into this same category with natural disasters. On the other hand, a rigorous reading of the entire Bible leads to the conclusion that God's **preceptive will** has a crucial role in the proper interpretation of this verse. God's **preceptive will** does not encourage any human or group of humans to engage in statist subjugation of a human population. Because the state has always been a slave-farming operation, practically by definition, it has NEVER been ordained in this **preceptive** sense. The only global, biblical portrayal of God's **preceptive will** regarding human governance of other humans appears in the Noachian covenant. But the Noachian covenant does not ordain the state. It ordains the natural-rights

1 WCF, 3.1. — URL: http://www.reformed.org/documents/wcf_with_proofs/.

polity. It emphatically does not ordain slave farming, because slavery clearly violates the *motive clause*. The Noachian covenant ordains the enforcement of natural rights. The truth is that there is a progressive process that exists between these two extremes of God's **decretive** ordination of the state and God's **preceptive** ordination of the natural-rights polity. It is clearly God's **decretive will** to use the state as a goad to steer humanity towards the natural-rights polity. It's clear that Romans 13:1-7 mandates that people acknowledge the process, and that they work towards the natural-rights polity. It's crucial that people choose to put themselves on the right side, and deliberately avoid siding with psychopaths.

Following this line of reasoning leads to the conclusion that the "ordinance of God" that is the source of this "authority" is recorded in Genesis 9:6. It's the only place in the Bible where any kind of global human governance is ordained through God's **preceptive will**. The "authority" that derives from that verse pertains to the enforcement of natural rights against damage. In regard to secular human government, any presumed "authority" beyond that is inherently *ultra vires*, beyond what's lawful for that authority. Likewise, anyone who "resists [such] authority", when such "authority" is properly within its designated limits, is, indeed, opposing "the ordinance of God", because such a person is resisting the *positive* and *negative clauses* that surround and protect the *imago Dei*, in direct violation of the clear ordinance. Because Genesis 9:6 mandates global human law as a subset of natural law, anyone who is opposed to such global human law "will receive condemnation upon themselves" as surely as if they had violated any other natural law. But this "condemnation" pertains only to people who oppose the jurisdictionally valid and lawful execution of such human law. The claim that such "condemnation" falls upon people who resist and are opposed to unlawful and *ultra vires* pseudo-implementations of such globally ordained human law, is a *non sequitur*. So with the understanding that the "ordinance of God" that Paul is talking about in verse 2 is found in Genesis 9:6, and that he is not referring willy-nilly to slave farms, verses 1 and 2 are absolutely true and biblically authoritative. The "authority" that he's speaking of is that of people who are genuinely enforcing Genesis 9:6, not the authority claimed by psychopaths who happen to have inordinate state power, and not the authority of people in rebellion against the state without having the natural-rights polity as the motivating goal of such rebellion.

(vi) Verse 2b

(1) Questions:

How does it follow from the claim that all "governing authorities" are established by God (v. 1) that "they who have opposed will receive condemnation upon themselves" in verse 2?

§ (vii) Verse 3a, *Sub-§ (1) Questions*

(2) Answers According to Facial Hermeneutic:

Given that the facial hermeneutic doesn't look much beyond the fact that "governing authorities" have their positions of authority through God's **decretive will**, it follows rationally, immediately, and without further question that "they who have opposed will receive condemnation upon themselves".

(3) Answers According to Tweaked Reformed Hermeneutic:

As the tweaked Reformed hermeneutic indicates in regard to verse 2a, it's answer to the question in regard to verse 2b is largely the same. Adequate consideration of God's **preceptive will** makes the answer much more nuanced and detailed. Anyone who opposes the ordinance of God should expect to receive condemnation from God. While 2a doesn't explicitly say anything about condemnation, 2b does, and that's the essential difference between these two parts of the verse. But 2b can be interpreted to mean that, although the condemnation will certainly be coming from God, it might also be coming from humans, especially those "governing authorities" who are being opposed. Because God is perfect, whatever condemnation is allocated by God is always deserved. Because humans are fallible, condemnation from them is also fallible, and may absolutely not be deserved.

When any given human must make a decision about whether to cooperate with "governing authorities" who have strayed from genuine authority by not operating by the precepts that govern their office, the human making the decision should resort to a higher level of preceptive thinking. It's well known that the costs of disobeying secular governments can be extremely high. Paul and Peter and most of the apostles paid with their lives. When any given human faces a decision about whether to obey government gone rogue, or not, the overriding consideration needs to be, What's best for the Church of Jesus Christ? This consideration gives leeway to situations in which "governing authorities" are not doing their job as well as one would like, while their deviation from governing precepts isn't radical enough to deserve radical opposition. Nobody's perfect, and sometimes governors need some slack, a little grace from their constituents.

(vii) Verse 3a

(1) Questions:

When Paul says, "For rulers [('governing authorities')] are not a cause of fear for good behavior, but for evil" (v. 3), can this claim be substantiated from biblical evidence, or is this claim God-breathed in a new way that doesn't rely on pre-existing Scripture?

(2) Answers According to Facial Hermeneutic:

For confirmation of the face-value interpretation of verse 3a, practitioners of the facial hermeneutic may rely upon other Romans 13 passages in the New Testament, or they may simply assume that this passage is God-breathed in a way that doesn't require confirmation from elsewhere in the Bible. Given that God's **decretive will** put such "rulers" / "governing authorities" into office in the first place, the facial understanding is plain, and it doesn't need confirmation from elsewhere. So according to this facial reading, "rulers" are never "a cause of fear for good behavior", and they should always be "a cause of fear … for evil", regardless of the fact that many of the early Christians were murdered by such "rulers".

(3) Answers According to Tweaked Reformed Hermeneutic:

The fact that Paul died at the official hand of Nero makes the facial understanding of verse 3a look almost like a lie. Interpreting it through the tweaked Reformed hermeneutic delivers 3a from this predicament. But this hermeneutic relies heavily on pre-existing Scripture. Where else could one's understanding of God's **preceptive will** regarding secular government come from?

Genuine enforcers of the Genesis 9:6 *positive-duty clause* should genuinely not be a cause of fear to anyone who behaves well. And people who perpetrate jurisprudential damage against other people should be terrified at the prospects of being caught by such genuine enforcers. Given that genuine enforcers and 3a "rulers" are equivalent, verse 3a is absolutely true. But of course this equivalence demands that such "rulers" not be "governing authorities" over a jurisdictionally dysfunctional *social compact* that randomly attempts to blend *secular* and *religious* functions. It also requires that people accept that "rulers" are fallible, and that to whatever extent "rulers" deviate from the precepts that govern their office, they cease being "rulers" and "governing authorities" that are friends to good behavior and enemies to evil.

To see the tweaked interpretation of verse 3a, it's important to see that in verse 4, Paul says that the ruler "is a minister of God to you for good". Even in Paul's day, any given person could examine the behaviors of the governing authorities and see that the extra-biblical facts stood as evidence denying Paul's claims. The behaviors of Nero and Caligula were notoriously evil. Nero and other emperors turned murdering Christians into a sport. No doubt Paul was fully aware of this. Even so, he was convinced that "God causes all things to work together for good to those who love God, to those who are called according to His purpose" (Romans 8:28; **NASB**). So even when tyrants are in control of the government, and are behaving badly, what the tyrant means for evil, God means for good. So as long as God's people behave well, they should not fear the ruler. Even if the ruler is

a despot like Nero, Hitler, Stalin, or Mao, God's people should not be afraid of him because God is ultimately in control of even the most evil tyrant. God has ordained the office of "governing authorities" not only through His **decretive will**, but through His **preceptive will** as well. So the office of the governing authority must be honored, respected, *etc.*, even if the human who occupies the office has gone rogue. This is essentially the meaning of the passage from the face-value perspective. It should be obvious to anyone who uses the Reformed hermeneutic that this face-value interpretation is absolutely correct. Even Christians who are being rounded up to be fed to lions can find solace in the fact that God is ultimately in control of even the most murderous and tyrannical ruler. For people who have absolutely no control of secular government, this face-value interpretation is both true and a solace. But what about people who have some control of such secular government? What about people who not only have some control, but who have duties and responsibilities as actors and agents of secular government? If they sit idle while the Bride of Christ is being fed to lions, can they find solace? This possibility, that God's elect and regenerate would have some say over how the secular government operates, demands a completely different layer of interpretation. The face-value layer stands true and undeniable based on the fact that God's **decretive will** is an undeniable facet of Christian orthodoxy. But the chronological **exegesis** above should be convincing that the Bible also instructs people in how to be good rulers. Through progressive understanding, the Bible gives clear instructions to those called to be in subjection to such rulers, about where to draw the line between cooperation with tyrants and resistance to tyrants.

All human beings are responsible, whether they like it or not, to live in accord with God's **preceptive will** if they want to live in harmony with God. Because rulers are human, this obviously includes them. For anyone who has any responsibilities in secular government, this means that such rulers should be extremely concerned about what the **preceptive will** of God is. In Romans 13 Paul clearly did not go into discussing God's **preceptive will** for rulers, probably because there were few, if any, rulers in his audience, because expounding law in such detail was so distant from the core of his ministry, and because he knew that the general need for such wisdom, in God's plan, would not arise for long after he had graduated from this world. In fact, going into such a subject was so tangential to Paul's ministry that he probably deliberately avoided going into it. He knew that such concerns needed to be left to future generations, and he knew that there would be a time in the future when Christ's Bride would be mature enough to be genuinely concerned about such issues. He knew that the information was already in Scripture, so there was no reason for him to go into it in more detail.

People who follow the Reformed hermeneutic have practically never interpreted this passage in the purely facial manner. But they've also never sufficiently discerned the alternative. It's obvious that people have duties to be good stewards of what God gives them. So if the governing authority mandates that his/her subject squander God's property, then it's reasonable that the subject would balk. This is precisely why it's not possible to utterly ignore God's **preceptive will** when interpreting this passage.

Both rulers and subjects must have precepts by which each chooses his/her actions relative to the other. Because it's no doubt true that the just prince is a rare bird, it follows that many of the prince's actions relative to his subjects were, and are, unjust. If the prince were not so unconscious of, or unconcerned about, God's **preceptive will**, he would not be so unjust. On the other hand, each subject's consideration of God's **preceptive will** necessarily poses a problem to the subject: To what extent will the subject cooperate with the prince's injustice and in so doing exercise *de facto* poor stewardship over what God has given him/her? Over the centuries, the front lines of this righteous disobedience have shifted with the people's understanding of, and commitment to, God's holiness and their intrinsic duties. It's certain that interpreters like Luther, who recognized both God's **decretive** and God's **preceptive** wills, are less likely to be enablers for tyrants than interpreters who believe in a more facial interpretation. But until now, understanding of the jurisprudential genre and its ramifications for Scripture has been insufficient to reliably draw the line.

(viii) Verse 3b

(1) Questions:

When Paul says, "Do you want to have no fear of [('governing')] authorities? Do what is good, and you will have praise from the same" (v. 3b-c), how can this claim be reconciled with all the numerous instances in the Bible's historical narrative in which God's people have done good, and have received abuse, not praise, from those who appear in those passages to be "governing authorities"?

(2) Answers According to Facial Hermeneutic:

The facial hermeneutic has no answer to this question. Adherents to it can only wave their hands and talk about the mystery and omnipotence of Almighty God. Paul did what was good and got beheaded for it. So 3b and c show the radical inadequacy of the facial interpretation.

The face-value understanding of verse three encourages "every person" to have complete trust in "rulers", as though such rulers are beyond reproach. Because statism was all Paul's Roman audience knew in regard to such subjects, he was

extremely limited in how he expressed this thought. For him to make a general claim that "rulers are not a cause of fear for good behavior, but for evil", could be breathtakingly confusing to any naive reader being brutalized by a totalitarian regime.

(3) Answers According to Tweaked Reformed Hermeneutic:

The tweaked Reformed hermeneutic must assume that in verse 3b-c Paul was superimposing the entire jurisprudence that arises out of the Noachian covenant onto the Roman Empire, and saw such empire in the best light he possibly could. Secular human government has had an important role in humanity's development ever since the Noachian covenant was ratified. Since then there has always been a place for such government, even though it has always been jurisdictionally dysfunctional. Paul's lavishing praise upon such government in this passage must be understood to be Paul's acknowledgement that God's plan for secular human government must be recognized, accepted, and appreciated, in spite of the fact that its imperfections are so monumental, and so much a manifestation of creation's groaning under humanity's fallen condition (Romans 8:18-23). So Paul superimposed this ideal of the perfection of secular human government onto the jurisdictionally dysfunctional secular human governments that plagued humanity for millennia, and called it good because it's an essential aspect of God's plan, even though he knew, and all of God's people know in their hearts, that this perfection will only come in time. This perspective is crucial to keeping faith in God and His plan, especially when secular government goes so rogue. No doubt that's why Paul wrote it into the epistle. — What was said about verse 3a also applies here: "Do you want to have no fear of authority? Do what is good, and you will have praise from the same".

For the reader who understands that Paul is speaking a kind of coded message, and that this passage should be interpreted within the context of all the biblical covenants, a "ruler" is not just some guy with a lot of political, military, and police power. According to Genesis 9:6, a "ruler" is an enforcer of the rule, and the rule is, "Whoever sheds man's blood, by man his blood shall be shed". This "shall" indicates that all people are called by God to enforce this rule. Therefore, all people are called to be rulers. So the non-naive interpretation of this verse is that anyone who is enforcing this rule is "not a cause of fear for good behavior, but for evil". Likewise, when it says, "Do you want to have no fear of authority?", the "authority" is anyone authorized by "the ordinance of God". The ordinance of God in Genesis 9:6 clearly authorizes the entire human race to enforce this rule. So when people "Do what is good", there is certainly no reason to fear genuine enforcers of this genuine rule. And because the people enforcing this rule are on the side of good, they will certainly praise people who are doing good.

(ix) Verse 4a

(1) Questions:

How can the fact that Paul was executed under the authority of the Roman emperor Nero be reconciled with Paul's claim that "it [(the governing authority, the ruler)] is a minister of God to you for good" (v. 4)?

(2) Answers According to Facial Hermeneutic:

The face-value reading of the clause, "for it [(the governing authority, the ruler)] is a minister of God to you for good", simply takes this statement at face value. It cannot offer a cogent explanation for how this facial reading can be reconciled with the evil fact that Paul was executed by Nero.

(3) Answers According to Tweaked Reformed Hermeneutic:

Under the tweaked Reformed hermeneutic, "governing authorities" / "rulers" are defined as a feature of the Noachian covenant that has been inherited by way of the Abrahamic and Mosaic covenants, and by way of the fact that the Noachian covenant applies to all people everywhere. The ruler is a function of Genesis 9:6, and exists for the sake of the *positive-duty clause*. By definition, such an enforcer of the *positive-duty clause* is a "minister of God … for good". Such a minister exists to do the good inherent in bringing perpetrators of Genesis 9:6 damage to justice. This, of course, is "good" for anyone who might otherwise be a victim of such a perpetrator. On the other hand, because such enforcers are human, they are fallible, and are capable of going rogue, and turning into people who do precisely the opposite of enforce the *positive-duty clause*, by being a violator of the *negative-duty clause*. Because of this fallibility, the claim in verse 4 that such "governing authorities" / "rulers" are "minister[s] of God to you for good" cannot be taken as absolute. The claim that enforcers of the *positive-duty clause*, when they are doing their job well, are "minister[s] of God to you for good", is certainly absolute. But the fact is that no fallen human is perfect, and no one is capable of doing this job perfectly. Even so, as long as someone is in this office and has not been impeached, it's important to acknowledge that he/she is "a minister of God to you for good". — Although Nero had committed countless impeachable offenses by the time he had Paul executed, there were apparently not enough righteous people with power to impeach him, and to impose indictments and penalties for crimes.

Verse 4a's claim that the governing authority is "a minister of God to you for good" is certainly true of enforcers of the rule in Genesis 9:6. But it is absolutely not necessarily true of psychopaths who happen to be in control of a totalitarian state. So when psychopaths get into control of the machinery of government, the naive reader is prone to getting very confused about what's good and what's bad,

and about what's right and what's wrong, and about who's genuinely carrying the torch for the visible Church, and who's not. — Given that Paul knew that it might take centuries for the visible Church to become strong enough and edified enough to dump statism, he knew that the visible Church would need to grow up within the social superstructures established by slave farming, and that growing up outside these superstructures was not an option. So the Messianic covenant clearly establishes that broadly defined *ecclesiastical* laws rule the visible Church, not laws strictly pertinent to jurisprudential damage. This means that the prohibition of idolatry and the other non-*jural* mandates within the Ten Commandments are core issues of the visible Church, and the global-human-law mandates are secondary, and are left to enforcement by forces outside the broadly defined *ecclesiastical* realm of the visible Church. This is the basis of the so-called "separation of church and state". By allowing the existence of the state to go unquestioned, Paul was allowing the terms pertinent to jurisprudential damage to devolve to enforcement by statists, with the shrouded proviso that the statists would some day be permanently overthrown, and replaced with lawful *jural societies*, *ecclesiastical societies*, and *social compacts*. But in those days, when Paul's audience had precious little exposure to the biblical covenants, it was obvious to him that he would need to treat the existing statists as though each was a legitimate "minister of God" to do good, and a worthy "avenger who brings wrath upon the one who practices evil" (v. 4b). So to his naive audience, he was saying this "minister of God" does not "bear the sword for nothing". It "bears the sword", and has a virtual monopoly on the use of force, and is as uncontrollable as any "act of God", in the eyes of naive Christians who should fear and respect such forces similar to the way they fear and respect God and nature. That's why, in the naïve view, "it is necessary to be in subjection, not only because of wrath, but also for conscience' sake" (v. 5).

(x) Verse 4b

(1) Questions:

When Paul says, "it [(the governing authority, ruler)] does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil" (v. 4), is Paul basing this claim on pre-existing Scripture, or upon a new Word from God?

(2) Answers According to Facial Hermeneutic:

The facial hermeneutic doesn't bother to look much beyond the confines of this passage to see upon what Paul is basing this claim. So the adherent to the facial interpretation doesn't see Paul as basing this claim on pre-existing Scripture, unless he/she sees it as being based on a loose-and-not-very-rigorous interpretation of the

"creation covenant". But rigorous reading sees that the prescription of global human law doesn't arise out of the creation covenant / Edenic covenant / covenant of works, but out of the Noachian covenant.

(3) Answers According to Tweaked Reformed Hermeneutic:

The tweaked Reformed hermeneutic demands that Paul is basing this claim on Genesis 9:6. Rigorous interpretation of Genesis 9:6 supplies the only place in pre-existing Scripture that fits the description, "it [(the governing authority, ruler)] does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil" (v. 4).

(xi) Verse 5

(1) Questions:

When Paul says, "it is necessary to be in subjection, not only because of wrath, but also for conscience' sake" (v. 5), is this an absolute, or are there exceptional circumstances? For example, did Dietrich Bonhoeffer sear his conscience by conspiring to assassinate Adolf Hitler rather than being "in subjection" to him?

(2) Answers According to Facial Hermeneutic:

The facial interpretation holds that it's necessary to be in subjection, not only because of fear of being a victim of this avenger's "wrath", but also because being in such subjection is necessary to keeping one's conscience clear. The face-value interpreter is left either having to admit that he/she doesn't know whether this is absolute subjection or not, or that such subjection must be absolute. So the face-value interpreter is left having to admit either that he/she doesn't know whether Bonhoeffer was right or not, or that Bonhoeffer must have been wrong.

(3) Answers According to Tweaked Reformed Hermeneutic:

According to the tweaked Reformed hermeneutic, when Paul says, "it is necessary to be in subjection, not only because of wrath, but also for conscience's sake", this must be interpreted within the context of the global covenant. Genesis 9:6 calls all people to be enforcers of the *positive-duty clause*, even though it's an obvious extra-biblical fact that many people, if not most, are at best only capable of being such enforcers by proxy. As surely as every enforcer is mandated to be in subjection to the rule, ***Whoever sheds the life of man, by man his life shall be shed***, every enforcer by proxy is mandated to be in subjection to such enforcers. This is an absolute for as long as the enforcer is genuinely in subjection to the rule, and is not a violator of it. This qualification, as long as the enforcer is genuinely in subjection, obviously entails that such subjection cannot be absolute. Being faithful to the rule demands

that enforcers by proxy hold enforcers accountable whenever such enforcers deviate from being faithful to the rule. This must be done for conscience' sake. When someone like Dietrich Bonhoeffer follows the dictates of his conscience in spite of the possibility of suffering the wrath of rogue rulers like Hitler, such a person puts himself into the company of Christian martyrs who have sacrificed their own lives for the sake of keeping their conscience clear. This is just the opposite of searing one's conscience. The people who followed Hitler, and were obedient to him in spite of the fact that they knew he had gone rogue, those are the people who seared their consciences. The Genesis 9:6 rule is absolute, but the rule of subjection is not. No one is capable of following either rule perfectly. So the rule of subjection necessarily has exceptions.

The fact that Nero was probably emperor when Paul wrote Romans, by itself, does not mitigate Paul's statement that "it is necessary to be in subjection" (v. 5). Nero was a psychopathic slave farmer if there ever was one. This necessity to be in subjection is a function of the capacity of the knowledgeable to implement an alternative to the slave farm, *i.e.*, to implement the natural-rights polity. This necessity to be in subjection is not a function of how dastardly the chief slave farmer is. It was obvious to Paul, and it should be obvious to all biblically knowledgeable people, that the priorities of the Messianic covenant mandate that parties to this covenant do whatever builds Christ's kingdom on earth. If kowtowing to psychopaths does that better than taking up arms to enforce Genesis 9:6 against them, then kowtow it is. But if it is obvious that slave-farming psychopaths are threatening the visible Church with utter destruction, through perversion of the broadly defined *ecclesiastical* terms (among numerous mechanisms), and if the existing social superstructure is based on core principles of the natural-rights polity, as is the case in 21st-century America, then the health of Christ's kingdom on earth demands Genesis 9:6 enforcement against the psychopaths, not kowtowing. The "subjection", in both cases, must first be to God, and to his priorities. The priority is the building of Christ's kingdom on earth, and the coherence of the Church that will eventually metamorphose into the New Jerusalem. Because the terms pertinent to jurisprudential damage are motivated by the *motive clause*, the priorities also specify that the broadly defined *ecclesiastical* terms generally have priority over the terms pertinent to jurisprudential damage. But when the visible Church is being perverted in its doctrines, on a massive scale, and when there is a genuine capacity of the knowledgeable to implement the alternative to statism, then the necessity "to be in subjection, … for conscience' sake", demands the non-naive interpretation of this passage. The circumstances demand that statist psychopaths be treated like the criminals that they truly are, not like the "minister of God". This is inherently a rejection of statism and replacement of it with the

natural-rights polity. This rejection of slave farming in preference to natural rights bears directly on the interpretation of verses six and seven.

(xii) Verse 6a

(1) Questions:

When this passage says, "For because of this [(because the ruler is 'a minister of God')] you also pay taxes" (v. 6), is this absolute, or are there exceptional circumstances? For example, if the "minister of God" were spending tax revenues to perpetrate unjust wars, would it still be necessary for the tax-payer to pay all this ruler demanded, or could the tax-payer curtail those payments "for conscience' sake"?

(2) Answers According to Facial Hermeneutic:

Paul's claim that because rulers are ministers of God, people must pay taxes to them, must be taken at face value according to the facial hermeneutic. According to this interpretation, all the ruler's subjects must pay whatever taxes the ruler demands, absolutely. No exceptions are made under the facial reading.

The normal, naive, statist interpretation of verses six and seven is obvious, and everybody knows it. "[E]very person" is obligated to "pay taxes". To whom? The naive interpretation answers, to whatever psychopath happens to be in office on any given day. This naive interpretation does not specify what those taxes are collected for, or what they are to be spent on. Such decisions are left to whoever happens to be in charge.

(3) Answers According to Tweaked Reformed Hermeneutic:

According to the tweaked Reformed hermeneutic, "governing authorities", "rulers", are merely enforcers of the Genesis 9:6 *positive-duty clause*. Such enforcers deserve funding from other people only because those other people are as much obligated by the *positive-duty clause* as the enforcers are. But for whatever reasons, they choose to be enforcers by proxy, and to have the actual enforcers do the actual enforcing for them. Traditionally, taxes have been paid to fulfill this lawful obligation. But of course in tradition, every *social compact* has been jurisdictionally dysfunctional.

Under the tweaked Reformed hermeneutic, every Christian should be party to a Christian *religious social compact*. The proper Christian interpretation of this passage from Romans 13 holds unequivocally that every Christian who has the capacity to participate in the *religious social compact* should also pay money to support the *jural society* and *ecclesiastical society* (strictly defined) affiliated with his/her *religious social*

compact. Likewise, such *jural societies* and *ecclesiastical societies* should share such funding with whatever *secular social compacts* may lawfully encompass the *religious social compact*. Likewise, such *secular social compacts* should share such funding with whatever *secular social compact* may lawfully encompass them. This sharing of funding should go up to whatever *secular social compact* happens to be at the top of this hierarchy. But this funding starts at the level of the individual Christian, because Romans 13:6 is obviously addressed to such individual Christians. But because the Noachian covenant is global, the fundamental mandate to pay taxes applies to non-Christians as much as it does to Christians.

As should be clear by now, human-law enforcement of the *positive-duty clause* isn't explicitly indicated in the global covenant. The *positive-duty clause* is the clear call for human-law enforcement of the *negative-duty clause*. But the *positive-duty clause* doesn't have the same kind of mandate to enforcement. So if someone refuses to be an enforcer against jurisprudential damage, or even to be an enforcer by proxy, then the Bible doesn't call for anyone to use force against such a refusenik. So within the *secular* arena, there is no lawful way to force people to pay taxes. Within a Christian *religious social compact*, such force can be included as a term of the compact. But within the *secular* arena, use of such force in collecting taxes would itself be a violation of the *negative-duty clause*.

These circumstances lead to the conclusion that because "governing authorities" are ministers of God to the extent that they genuinely enforce the Genesis 9:6 rule, while they are fallible and therefore incapable of enforcing it perfectly, this mandate to pay taxes cannot be taken as absolute. There absolutely must be exceptions to the rule that all people should pay taxes. This exception must certainly extend to situations in which the "minister of God" has slipped from genuinely enforcing the *negative-duty clause* into actions like the perpetration of unjust wars. Such circumstances would naturally violate the conscience of anyone who understood them to be unjust wars. Continuing to pay under such circumstances would naturally tend to sear such a person's conscience. It's better for such a person to curtail payments.

The tweaked Reformed hermeneutic's understanding of Romans 13 passages holds that "rulers" are people who enforce the Genesis 9:6 rule, not people who enforce fiat rules willy-nilly. As clearly indicated above, these "servants of God" need to be funded for very specific purposes, and these purposes inherently set definite limits on amounts taken. No one is obligated to "pay taxes" for *ultra vires* activities. If any "government official" collects taxes for the sake of spending on anything *ultra vires*, then such taxing and spending is evidence that these "officials" are not devoted to bearing the sword for good, but for evil. So when Paul says, "Render to all what is due them", it is absolutely true from both the naive and the biblically knowledgeable

perspective. On the naive side, for the sake of building Christ's kingdom on earth during periods when statism is inevitable, render whatever kowtowing to statists is necessary to build Christ's kingdom. On the biblically knowledgeable side, render to statist psychopaths the justice that's due them. In 21st-century America, that means prosecution, jail, and capital punishment, as *due process* demands. In 21st-century America, it also means render to genuine Genesis 9:6 rulers "tax …; custom …; fear …; honor"; because that is what's due them.

(xiii) Verse 6b

(1) Questions:

Given that the Bible is infallible, how does one reconcile the claim that "*rulers* are servants of God, devoting themselves to this very thing [(*i.e.*, to being 'servants of God')]" (v. 6), with the extra-biblical fact that many tyrants in recent centuries have been atheists who have devoted themselves to destroying God's Church?

(2) Answers According to Facial Hermeneutic:

It's undeniable that in recent centuries, many tyrants have been atheists devoted to destroying God's Church. But the vernacular reading of Romans 13:6b demands that the reader conclude that these same tyrants "are servants of God, devoting themselves to" being "servants of God". This is obviously a logical contradiction. The facial hermeneutic offers no option other than to live with this contradiction as though it were merely a mystery about which Christians should all wonder. Such a contradiction poses a huge difficulty to the claim that the Bible is infallible.

(3) Answers According to Tweaked Reformed Hermeneutic:

As should be obvious by now, the tweaked Reformed hermeneutic holds that genuine enforcers of the Genesis 9:6 rule are genuine "servants of God" who devote themselves to being "servants of God". But it's impossible for this hermeneutic to pretend that such rule followers are infallible. It's even more impossible for followers of this hermeneutic to pretend that hardened atheists who hate God and are dedicated to destroying the Church should be treated as "servants of God". Their god is Satan, *HaSatan*, literally, "the Enemy". To call them "servants of God" is the epitome of calling evil good and good evil. But this fact is not an indictment against Paul, but merely recognition that this passage from Paul's letter necessarily has a layered meaning.

The vernacular reading of verse 6b certainly leads to logical contradiction relative to extra-biblical facts. But it's necessary to remember that the same way Genesis 9:6 went dormant because of a lack of human understanding, it might remain dormant for the same reason even after **progressive revelation** had delivered Genesis 9:6

from dormancy. It would take time for progressive understanding to catch up with **progressive revelation**. Paul needed to address this problem of human government in a way that would keep the welfare of the Church and the sovereignty of God as its highest priority. As long as Paul's audience was too ignorant about the nature of human government, then they would better serve the Church by obedience to the secular authority than by overt confrontation of it. Until the time when there would be greater understanding of Genesis 9:6 through progressive understanding, it would be better for the Church to simply accept that no matter how evil "governing authorities" might get, it would be best to think of them, pray for them, and treat them as "servants of God". God's **decretive will** would be the dominant interpretational device until progressive understanding of God's **preceptive will** flourished. As long as the Church lacked such progressive understanding, even Nero would be hailed among the faithful as a servant of God. This kind of faith in the facial interpretation has been necessary throughout most of Christian history. But since the Reformation this has been changing. Since then, much of the logic embedded in Genesis 9:6 has also become embedded in American law. Now the American Church is facing a dilemma, either to regress into Genesis 9:6 dormancy or to progress into full understanding and implementation of Genesis 9:6. The fact that most secular institutions are now under the control of people who hate God and biblical Christianity should be ample incentive to go forward into the **preceptive** light rather than backwards into medieval darkness.

(xiv) Verse 7

(1) Questions:

When this passage mandates that "every person" (v. 1) "Render to all what is due them: tax to whom tax *is due*; custom to whom custom; fear to whom fear; honor to whom honor" (v. 7), how much discretion is being allowed for "every person" to decide for his/her self "what is due them"?

(2) Answers According to Facial Hermeneutic:

The facial, vernacular interpretation leaves almost no room for "every person" to decide for his/her self what he/she should give to "rulers". Under this interpretation, every person who is not a ruler necessarily defaults into being a subject. All such subjects must "Render to all what is due them". The ruler his/her self gets to decide what the subject owes, and he/she may force the subject to render.

(3) Answers According to Tweaked Reformed Hermeneutic:

When this verse says, "Render to all", "all" implicitly means all "governing authorities" and "rulers" of whatever secular government has jurisdiction. This is

probably true as much for the facial interpretation as for the tweaked Reformed interpretation. But under the latter interpretational protocol, the mention of jurisdiction demands that one must be able to discern *in personam*, subject-matter, and territorial jurisdiction in order for one to know which secular government deserves one's allegiance. Assuming that one is a Christian, that one abides within the territorial jurisdiction of a lawful *secular social compact*, and that one has chosen to enforce Genesis 9:6 by proxy, one would want, by virtue of one's *religious* commitments, to pay tributes, tolls, taxes, deep and fearful respect, and honor to those who are enforcing Genesis 9:6 actively rather than by proxy. Because Romans 13:1-7 is so obviously a reference back to Genesis 9:6, the subject matter of such a secular government is extremely limited relative to the subject-matter jurisdiction of practically every secular government before, during, and since Paul wrote this. Under the tweaked Reformed hermeneutic, Christians are obligated to hold secular governments to a much more rigorous standard. When such government deviates from that standard, this hermeneutic demands that the Bible-believing Christian act according to his/her biblically honed conscience, and pay "tax to whom tax *is due*; custom to whom custom; fear to whom fear; honor to whom honor". After all due consideration, one might discover that tax is not due them, custom is not due them, fear is not due them, and honor is not due them.

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