

## **Laws and Their Impact on the Common Person**

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From the beginning of human life on this planet the need for order within communities of people has been an essential component of the success of the community. Maintaining order within large groups of people involves implementing rules or laws to govern the activities of the community. Whether laws originate from man or from God is a question that people have debated from the beginning of human history. The adoption and implementation of laws reflect the values and beliefs of the community. The framework of laws, their application and the delivery of Justice has a direct correlation to the success or failure of a group of people referred to herein as a Society or Culture.

Many of the early codes of law developed among ancient cultures in Mesopotamia. The following are examples of some of the more familiar foundational codes of law:

1. The Sumerian laws of Ur-Nammu (founder/ruler of Ur's Third Dynasty from the twenty-first Century B.C.).<sup>1</sup>
2. The Hurrian law at Nuzi, (mid-second millennium B.C.).<sup>2</sup>
3. The Code of Hammurabi from Babylonia (early eighteenth century B.C.).<sup>3</sup>
4. The Mosaic Law.<sup>4</sup>

The Code of Hammurabi, written by the sixth king of the first dynasty of Babylon is perhaps the most well-known of the ancient Mesopotamia law codes, although not generally accepted as being an original set of laws, but rather a compilation of various patterns of laws from earlier Mesopotamia Cultures. The Code did not prescribe laws for everyday life, but was more general in nature, a broad outline for the way the people of Babylon lived under the rule of Hammurabi.<sup>5</sup> The Mosaic Law contains a unique claim of originating from the Creator of the entire universe. Many law codes make reference to gods, but the Jewish Law Code claims to be from the one true God/Creator of the universe. Even though the law of Moses originated from God, the people of Israel chose to ignore their God even while the law was being given to Moses on Mount Sinai, thus pointing to the basic question of whether man/humans without God can maintain or sustain law from a moral point of view.<sup>6</sup>

While the early law codes varied in some ways, many of them found among ancient cultures had similarities as to family laws involving children, adoption, and inheritance laws dealing with a father's wealth. The basic historical building block of successful communities has been the family structure, most often between a man and one or more women, but usually with a "primary wife" making up the basic family unit. The Disproportionate divisions of a father's wealth favoring the "first born" and the Primary Wife's offspring was also common within early societies.

Another common characteristic among the early law codes involved laws pertaining to "legally binding agreements," between individuals, hereinafter "contracts". Contracts often involved such things as land ownership, slaves, business or trade of goods and services. The way that contracts would be memorialized often involved a seal or sworn statements that became the symbol of the binding nature of the agreement between the parties to the contract. An agreement between man and his Creator is referred to as a Covenant.<sup>7</sup>

The existence of a form of government is necessary to maintain a semblance of order through the implementation of laws. Bad government is superior to no government where, in an atmosphere without laws and order, anarchy prevails. The discussion that bad government is superior to no government could occupy many pages of discourse, however, as foundational as the requirement is for having government, respect for government from the citizens of the government is just as essential. One of the teachings of a man 2,000 years ago, Jesus, was that respect for government is necessary for all people.<sup>8</sup> Examination of cultures that have had a modicum of success have one common characteristic, that their laws provide the "common person," herein defined as the "citizens"

of the culture, to live their lives under the rule of law with reliance upon the just administration of the law.

Because laws are created and enforced by humans, personal values and beliefs affect the adoption and the implementation of the laws that make up a society. It is important to acknowledge the universal choice of acceptance or rejection of a “Creator” by individuals. Every person who has ever lived on this earth has recognized the existence of “Creation” and wondered,

Who am I?  
Why am I here?  
And Where am I going?

In addition to these basic questions asked by every human being at some point in each person’s life, we are each awestruck by the majesty and beauty of our surroundings and by the minute attention to detail that allows all the biological systems of this earth to work together in harmony. The thought of the existence of a higher being or “Creator” crosses the mind of each person during their lifetime.<sup>9</sup> Every person then either recognizes the Creator, deciding to follow or search for the Creator, or decides to live life rejecting the recognition of the “Creator.” This choice is the ultimate example of love expressed by the Creator of the Universe to the created individuals. To have this “choice” to accept or reject the “Creator of the Universe” is a freedom that each person has and is unique to the existence of the human race. Within this context of individual freedom, laws are adopted by governments that are either consistent with the advancement of love, order and freedom among people or the fostering of strife and hatred. I submit that “Good Laws” originate from the “Creator” and that many of the “Bad laws” and all of the “Ugly laws” originate from man.

The “Law(s),” for the purpose of this paper are defined as rules, either statutory or if you are under the English tradition of law, the “The Common Law,” i.e. case law that has been decided that governs make up the structure of society. There are common examples of laws that will be referred to as the “Good,” the “Bad,” and the “Ugly.” There are also variations that may fit in-between the three (3) categories. Whether the source of laws in the categories discussed herein emanate from man or from God, hereinafter sometimes referenced as “Creator,” is the primary focus of this discussion. Whether the end result of laws foster love or discord/resentment among the citizens gives us a glimpse of the source of the laws.

The adoption of the early codes was based on motivations that were basic to each culture. The study of the adoption of laws gives historians insight into the culture of the people. Money and material wealth was and still is one of the major forces prompting the adoption of laws. The family structure as a building block of the culture is another common reason for the adoption of laws. As cultures develop, the creation of more laws to address social concerns of the society are added as an attempt to address various problems that arise as cultures mature from their beginning to the end of the particular culture or society.

“Good laws” tend to sustain the freedoms of life by leveling the playing field among people so that they can live their lives without interference or intimidation from other individuals. Laws that prohibit taking the life of another person encompass one category of “Good Laws.” This category would extend from murder to laws that prohibit the physical injury of other people by any individual. A second category includes laws that prohibit the taking of another person’s property. Another category involves laws that prohibit giving false testimony (to lie) against another person. The concept of Justice arises first and foremost from the requirement of truthful testimony of witnesses. A final category includes laws that protect the health and safety of citizens. Good laws appear in all cultures in one form or another. Good laws bring order to the lives of people with minimal interference from other people who have the common characteristics of man.<sup>10</sup>

“Good Laws” allow the exercise of free choice by each individual without interference from other persons. The acceptance of laws by most of the citizens of a culture determines their effectiveness. Good laws are recognized most often by individuals as allowing them to live their lives without fear. The “Good Laws” can be summarized into three (3) basic categories;

1. Laws that protect the respect for human life.

2. Laws that allow people to live orderly lives free from fear and intimidation, and
3. Laws that build upon the common good for the society free from slavery.

Such laws have a purpose and reason for their adoption in society. Adding laws that have no reason for the law's existence does not fit into the category of a "Good Law".

Every government should have as its guiding principle the challenge that if a law or rule serves no purpose, then it should be abolished. It is much easier to make new laws, however, than to remove ones that should not be part of the "law." The accumulation of unnecessary laws in a society may be a sign of the age of the society or usually a reflection of the basic unwillingness of governments to abolish laws that have no purpose. Accumulation of laws that have no purpose clutter the lives of the citizens. An example of such a law is one that was part of the Revised Statutes of the state of Missouri, U.S. was a law that remained for many years, that prohibited an owner of a horse from allowing a male horse from having sexual relations with a female horse within 100 feet from a roadway.<sup>11</sup> Such a "law" was impossible to enforce and had no real purpose. While it allows us to laugh at the utter uselessness of the law, the unfortunate truth is that similar types of laws that clutter the lives of citizens can be found in almost any set of laws. Such laws without a reason for their existence do not fit into the category of "Good Laws."

A second category of laws I refer to as "bad laws" or man's "ordinary laws". Such laws existed even in ancient Athens as the following reference in the Athenian Constitution, Section 1 seems to imply: "Money and Material wealth is often the drive behind creating laws. Often law has been a product of the rich trying to maintain their wealth and thus has been inherently flawed through man's shortcomings."<sup>12</sup>

Another interesting statement from the Visigoth Code (forum judicum) states: "Laws are made for these reasons that human wickedness may be restrained through fear of their execution; that the lives of innocent men may be safe among criminals; and that the temptation to commit wrong may be restrained by the fear of punishment."<sup>13</sup>

These and other motivations add to the increasing number of laws and the complexity of the code of law. It is seldom that an adopted law will have a time when the law will cease to exist or have a "sunset" when the law will no longer be in effect or when the law must be re-adopted to remain "the law." As the number of laws accumulate, the volume of laws tend to clutter the lives of the citizens. In short, societies generally become more and more litigious as the government remains in power for a long period of time.

Another result of "bad laws" are laws that enslave individuals so that the greed of one group uses the lives of another group for their own enrichment. Such laws result in resentment and ultimately foster revolutionary desires to correct or eliminate the government that enforces such laws. The following questions would aid governments in limiting and restricting adoption of laws that result in an accumulation of "bad laws":

Is the law necessary?

Does the law favor one person or group at the expense/detriment of another person or group?

Does the law limit the freedom of the individual?

Does the perceived need for the law outweigh the cost of enforcement of the law?

Does the law protect the freedom of the citizens to make decisions on their own?

If such questions were to be honestly asked by lawmakers many of the "bad laws" would never be adopted and the lives of individual citizens would be free from unwanted and unnecessary intrusion of such laws.

The third category of "Ugly laws" are laws that the majority of people consider "ugly" or evil. Examples of such laws include the elimination of large groups of people, genocide or ethnic cleansing carried out under the protection of a government that allows such conduct to be condoned and/or encouraged. The hatred of one group of people against another group of people during the time period when such laws are accepted is later looked upon as a dark time in the history of human beings. The study of the period of time during which the behavior is condoned most often shows an

underlying hatred or evil purpose for such conduct. When the conduct becomes repulsive to the society the result most often is the removal or replacement of the government or group promoting the “Ugly Law.”

Examples of such “Ugly Laws” are found in cultures from past history to the present day. In early times the worship of the god Baal, a fertility god, included the practice of the sacrifice of children as an act of worship.<sup>14</sup> Another example was the persecution of Christians. The Roman government allowed the use of Christians as human torches to light their streets.<sup>15</sup> The German extermination of Jewish persons in the Holocaust is “almost” universally condemned today, but during the period of 1939 to 1945 German law permitted the extermination of millions of mentally ill persons, Jewish persons, and other “un-desirable” persons in order to satisfy the goal of establishing a “Master Race”.<sup>16</sup> More recently the USSR eliminated persons in Hungary after 1956.<sup>17</sup> The Peoples Republic of China eliminated persons after the Tiananmen Square Massacre in 1989.<sup>18</sup> Currently the Peoples Republic of China is killing the Falun Gong in China, in order to eliminate the group from the population of China.<sup>19</sup> And from 1973 to today in the United States the government has condoned the elimination of 47,282,923 citizens as a result of one Supreme Court decision allowing the extermination of the unborn.<sup>20</sup> If the number of deaths due to the extermination of unborn children from other nations around the world was to be calculated, the number of deaths would be staggering.

The current unborn “abortion holocaust” is the bloodiest in history and has already claimed the greatest number of victims ever killed as a result of the adoption of “Ugly Laws” by governments around the world. How long will it be before the horror of what is being done to our most vulnerable citizens will be recognized and the people will rise up to stop the carnage? This is a question that has yet to be answered.

The argument that a less than full term baby is just a “glob of conception” or “material” that may be “eliminated” is one that is made often to justify the current practice of abortion. For me the reality of how “ugly” this argument can become when put into practice happened after the adoption of a baby into our family that was born a month premature to the natural mother. I viewed the “glob of conception” lying in her bed just eight months and six days after conception and realized that she was indeed a person and that she was no less of a human being than if she had remained in her natural mother’s womb for the full gestation period. The realization that she could have been “eliminated” by our “Ugly Law” in the United States changed my mind and allowed me to quit being neutral as to the horror of what is happening during this period in history. Now at age 18, that “glob of conception” is a very bright and beautiful young lady, (pictures available upon request).

The “Ugly Laws” are the opposite of the “Good laws.” The concept that laws can be viewed on a spectrum from Good to Evil should be considered by lawmakers as they adopt laws to govern citizens. Laws that promote freedom, love, respect and justice among the citizens of each culture and government show the reflection of the character of the Creator of the universe. Against such laws there should be no limit to their implementation.

Citizens deserve to select persons to lawmaking positions who ask the following questions:

- Is there a “reason” for the law?
- Is the law necessary for the common safety/good?
- Will the law if adopted protect or limit the freedom of all citizens?
- Will our most vulnerable citizens be protected?

The governments from the 20<sup>th</sup> Century in Germany, in the former USSR, in the United States, in Africa currently in the Sudan and the current Chinese government show to us the folly of allowing governments to exist that have as their goal development of societies where the existence of the Creator of the Universe is ignored and excluded from the fabric of the society. Although appealing theories can be presented to support human-inspired laws, the implications and consequences of their adoption expose the imperfect nature of man. The contrast between “Good Laws” and “Ugly Laws” illustrate that man without God cannot defend or sustain laws from a moral point of view. Communism is one example of some very basic good ideas, but when implemented by governments free from God, fail.

As humans created by a loving Creator, let us live our lives to bring Justice, good laws, and hope to every human on this earth. Ultimately true peace is found by knowing the Prince of Peace and following Him.<sup>21</sup> The “service-above-self concept” is one that encourages good laws, limits bad laws, and eliminates ugly laws. Every human has worth and government is only as good as the people who are willing to be part of the lawmaking process.

## References

- <sup>1</sup> “Hurrians.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. <http://en.wikipedia.org/wiki/Hurrians>.
- <sup>2</sup> “Hurrians.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. <http://en.wikipedia.org/wiki/Hurrians>.
- <sup>3</sup> “Code of Hammurabi.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. [http://en.wikipedia.org/wiki/Code\\_of\\_hammurabi](http://en.wikipedia.org/wiki/Code_of_hammurabi).
- <sup>4</sup> “Code of Hammurabi.” <http://www.abu.nb.ca/ecm/topics/arch2.htm>.
- <sup>5</sup> “Code of Hammurabi.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. [http://en.wikipedia.org/wiki/Code\\_of\\_hammurabi](http://en.wikipedia.org/wiki/Code_of_hammurabi).
- <sup>6</sup> Exodus 32:1-9. NIV Archaeological Study Bible. Published by Zondervan 2005
- <sup>7</sup> Genesis 9:9; Exodus 24:8; Matthew 26:28; Hebrews 8:9-13. NIV Archaeological Study Bible. Published by Zondervan 2005
- <sup>8</sup> Matthew 17:24-27; 22:15-22, Titus 3:1-8. NIV Archaeological Study Bible. Published by Zondervan 2005
- <sup>9</sup> Romans 1:20. NIV Archaeological Study Bible. Published by Zondervan 2005
- <sup>10</sup> Matthew 15:19. NIV Archaeological Study Bible. Published by Zondervan 2005
- <sup>11</sup> Revised Statutes of Missouri governing livestock and horses now repealed.
- <sup>12</sup> Aristotle. “The Athenian Constitution.” [http://classics.mit.edu/Aristotle/athenian\\_const.1.1.html](http://classics.mit.edu/Aristotle/athenian_const.1.1.html).
- <sup>13</sup> “Visigothic Code.” <http://libro.uca.edu/vcode/visigoths.htm>.
- <sup>14</sup> “Baal.” Encyclopedia Mythica. 2006. Encyclopedia Mythica Online. 13 Jul. 2006. <http://www.pantheon.org/articles/b/baal.html>.
- <sup>15</sup> Jackson, Wayne. “Nero Caesar and the Christian Faith.” Christian Courier Publications March 2003. [http://www.christiancourier.com/articles/read/nero\\_caesar\\_and\\_the\\_christian\\_faith](http://www.christiancourier.com/articles/read/nero_caesar_and_the_christian_faith)
- <sup>16</sup> “Nazi Extermination of People with Mental Disabilities.” Florida Center for Instructional Technology 2005. <http://fcit.usf.edu/HOLOCAUST/resource/document/DocEuth.htm>.
- <sup>17</sup> “1956 Hungarian Revolution.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. [http://en.wikipedia.org/wiki/1956\\_Hungarian\\_Revolution](http://en.wikipedia.org/wiki/1956_Hungarian_Revolution).
- <sup>18</sup> “Tiananmen Square Protests of 1989.” Wikipedia Encyclopedia. 2006. Encyclopedia Wikipedia Online. July 2006. [http://en.wikipedia.org/wiki/Tiananmen\\_Square\\_protests\\_of\\_1989](http://en.wikipedia.org/wiki/Tiananmen_Square_protests_of_1989).
- <sup>19</sup> “A Summary of the Persecution of Falun Dafa Practitioners in the Changshou District, Chongqing.” July 2006. <http://www.clearwisdom.net/emh/articles/2006/7/9/75240.html>.
- <sup>20</sup> “Abortion in the United States: Statistics and Trends.” National Right to Life Committee 2006. <http://www.nrlc.org/abortion/facts/abortionstats.html>.
- <sup>21</sup> Matthew 22:37-40; John 14:6. NIV Archaeological Study Bible. Published by Zondervan 2005