



Freedom and the Law

by Ronald L. Dart

When the framers of our Constitution first gathered, they faced a *fundamental* question. The question was not merely, “Can we create a free republic?” The question was, “Can we create a free republic that will *remain free*?” Because *every* republic in the past had not. Those men knew their history and they *knew* that history was against them.

The first step in gaining freedom was past—it was the American Revolution. They had step two before them—writing a constitution. But the biggest challenge lay beyond their horizon. It was *sustaining freedom*. According to Os Guinness, the framers knew their history in a way that many modern political leaders, to their shame, don’t. He said, and I quote:

If you have a corruption of customs [...] the Constitution itself will be subverted. [...] People will follow the same laws, but with a different rationale, and you’ll see a steady decline.

Os Guinness - Speech at the Longworth House Office Building, Washington, DC

Now, if he was right, law is not enough to sustain freedom. And this is an important distinction. We believe in the rule of law in this country. It is *carefully* drawn as a distinction from the rule of a king. What we haven’t really considered is, that the law can become just as tyrannical as any king ever was. How does that happen? Well, just look at how the courts are interpreting the law nowadays. We are no longer being governed by all the people, but by the law as interpreted by a few judges. And what is guiding the judges: the Constitution or the customs of the time? Let me read again what Os Guinness said in his speech. He said, and I quote:

If you have a corruption of customs [...] the Constitution itself will be subverted. [...] People will follow the same laws, but with a different rationale, and you’ll see a steady decline.

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Guinness says that the rationale behind the laws is *crucial*. Is he *right*. In a speech recently in Washington he went on to ask this:

What was the Framers’ solution to this? Many people think it’s the [U.S.] Constitution and law. It isn’t. That’s only half the answer. The other half is quite clear [...] and incredibly overlooked today, even among scholars. It’s what I call the “Little Triangle of Assumptions.”

First, freedom requires virtue. [...] If freedom has to be guarded by laws, it will eventually be lost. [...] Secondly, virtue requires faith of some sort. [...] This is the simple reason that the Framers argued there should be religious liberty. [...] Third], faith requires freedom. [...] If that triangle is

perpetual, then freedom has a chance of defying the odds and keeping alive.

Os Guinness - Speech at the Longworth House Office Building, Washington, DC

Now, what he has said here is that freedom requires virtue, virtue requires faith, faith requires freedom. That's what he calls his "Little Triangle of Assumptions". Now, Os Guinness is not saying that the law is unnecessary; what he is saying is that the rationale behind the laws is *crucial* and that, without virtue, the whole thing may come unraveled. He went on to say, and I quote:

We have three massive contemporary menaces to faith and freedom. [...] If the Framers were correct [...] those menaces will eventually affect the system and freedom will not survive.

[...First, many people think] faith, character and virtue are fine if you want them. [...But t]he public square is a neutral arena of competing self-interests, and faith and character and virtue are irrelevant. [...]

The second contemporary menace is a breakdown in the transmission of values. [...] The third is [...] a corruption of customs. Since the 1960s, various foundational assumptions in this country [...] have been profoundly eroded or under assault. What's life? Is there such a thing as truth? What's a family? What's a marriage? What's justice more than power? [...]

America is seeing a tilt of freedom towards evil. [...] If not reversed, your children and grandchildren will experience the consequences. [...] No great civilization survives if it cuts its relations to its roots. We are on the edge of doing that. [...] As faith goes, so goes freedom. As freedom goes [...] so goes the United States.

Are we beyond the point of hope? I'm personally an optimist. Things are not nearly as bad here as they have been in times past, and they have been turned around. [...]

When faith went in [Germany], it produced the most horrendous evil the world's ever seen. [...] I wouldn't bet that we are yet to see an American evil of monumental proportions unless there's a turning back. [...] You cannot [...] use law to hold back a moral landslide. It simply won't do it. You'll just add to the laws. You've got to rejuvenate the culture.

Os Guinness - Speech at the Longworth House Office Building, Washington, DC

Now, what I want us to think about today is that last idea: You cannot use law to hold back a moral landslide. It simply *won't do it*. You'll just add to the laws. A "moral landslide" is a pretty good description of what we have seen beginning in the last 12 months in this country. Obscenity and nudity on the public airwaves has recently stung Congress to action to start fining broadcasters that insult the public with bare breasts and foul language.

But the problem that Congress has is, they have only *one tool* to work with—the law. All they can do is *pass another law*. They can't get up in a pulpit and preach a sermon. They can't morally persuade people to change their conduct. They have to get together and they have to hammer out laws, and those laws involve all kinds of compromises and other incidental things that creep in. And so they pass another law. And every law passed by Congress (You may want to write this down and remember it) *every* law passed by Congress is, in some way, an *infringement on freedom*. You can already hear the howls coming from those whose ox is being gored this time, but I can't help wondering when someone will decide that we can't preach *the gospel* over the public airwaves. And don't you think for a minute that that's not possible. The government owns the airwaves just like it owns the courthouse. So how big a step is it from banning the 10 Commandments from the courthouse to banning the gospel from radio?

When I was in the Navy, I went to firefighting school. And they told us in there that there was a "fire

triangle”. The triangle had three sides—the three sides were fuel, air, and temperature. If you took away *any one* of the three sides of the triangle, the fire went out. And it’s this sort of thing that Os Guinness is talking about when he speaks of the “Little Triangle of Assumptions” upon which our freedom is based. If you take any one of the sides of the triangle away, freedom *goes out*. He said:

first freedom requires virtue. If freedom has to be guarded by laws. It will eventually be lost

Os Guinness - Speech at the Longworth House Office Building, Washington, DC

The Apostle Paul said something like this in his second letter to the Corinthians. He’s addressing, in 2 Corinthians 3, a local problem. And then, in what seems like an aside, he tosses in one of his *most profound* theological statements. He begins by saying:

2 Corinthians 3

KJ2000

¹ Do we begin again to commend ourselves? or need we, as some others, epistles of commendation to you, or letters of commendation from you?

² You are our epistle written in our hearts, known and read of all men:

³ Since you are manifestly declared to be the epistle of Christ ministered by us, written not with ink, but with the Spirit of the living God; not in tables of stone, but in fleshly tables of the heart.

Now, Paul is apt to mix his metaphors and sometimes that’s a little confusing. But it’s okay, they’re his metaphors and he has a right to do with them what he wants to do. But what he is doing here is shifting from letters of recommendation or credentials to the law written in tables of stone or written in fleshly tables of the heart. I can’t over-emphasize the importance of this phrase, “written not in tables of stone but written in the heart.” What Os Guinness was saying is that external laws cannot hold back a moral landslide when the law is no longer in the *hearts* of the people. Laws written in the heart is actually a pretty good definition of *virtue*, and Paul is saying the same thing Os Guinness said—you can’t make the *letter* of the law work without the *spirit*. Paul continues in verse four:

2 Corinthians 3

AKJV

⁴ And such trust have we through Christ to God-ward:

⁵ Not that we are sufficient of ourselves to think any thing as of ourselves; but our sufficiency is of God;

⁶ Who also has made us able ministers of the new testament; not of the letter, but of the spirit: for the letter kills, but the spirit gives life.

Laws are necessary—but when the *virtue* has fled, they can’t hold. You have to depend on people to obey the law when no one is watching. You have to depend on people to have the law written in their hearts and their minds in such a way that they will do the right thing, according to the meaning and the intent of the law, not just according to the letter—because sometimes the letter of the law gives us *too much* latitude. In fact, the law can be every bit as much a tyrant as any king. Paul says:

2 Corinthians 3

JUB

⁷ But if the ministry of death in the letter engraved in stones was glorious, so that the sons of Israel could not steadfastly behold the face of Moses for the glory of his countenance which glory was to fade away,

There was nothing, Paul said, wrong with the law—it was glorious—but the ministration of the spirit was

even more glorious.

2 Corinthians 3

AKJV

⁸ How shall not the ministration of the spirit be rather glorious?

⁹ For if the ministration of condemnation be glory, much more does the ministration of righteousness exceed in glory.

By “the ministration of condemnation” he means the law and the penalties connected with the law—because without virtue and without the spirit, all the law can do is *condemn us*. Of course, there is absolutely nothing the law can do except to punish disobedience to the law. It doesn’t even carry within itself the room for forgiveness. And so, Paul says, the ministration of the *spirit* is more glorious than the ministration of the *letter* of the law. He continues in verse 10 to say:

2 Corinthians 3

AKJV

¹⁰ For even that which was made glorious had no glory in this respect, by reason of the glory that excels.

It’s an awkward way of phrasing, exactly. He’s just saying that the glory that was in the written letter of the law *fades* in the presence of the glory of the administration of the *spirit*.

2 Corinthians 3

JUB

¹¹ For if that which fades away was glorious, much more shall that which remains be glorious.

¹² Seeing then that we have such hope, we speak with great confidence,

¹³ And not as Moses, who put a veil over his face, that the sons of Israel could not steadfastly look to the end of that glory which was to fade away:

¹⁴ (And thus their senses became hardened, for until this day remains the same veil not uncovered in the reading of the old testament, which veil is taken away in Christ.)

What on earth is Paul talking about? What he’s saying is this: that the Jews—in their culture, their approach to the law, in their approach to Scriptures—had a *veil* over their eyes when they read the Old Testament. All they could see was the *letter of the law* and Paul says the letter can only kill you, it can’t save you. For Israel, the law was everything, but they couldn’t see *beyond* the law. They had a veil over their eyes which blinded them to the *spirit* of the law. What this means to me is that the Christian can read the Old Testament law *without* the veil—he can see clearly what God is saying to us, and he sees it apart from the letter of the law. He sees the *spirit* of the law; he sees the *intent* of the law; he sees what God *intended* for man to do and how God intended for man to live. But, said Paul:

2 Corinthians 3

JUB

¹⁵ But even unto this day when Moses is read, the veil is upon their heart.

¹⁶ Nevertheless when they convert to the Lord, the veil shall be taken away.)

Now, I take this to mean that the *hindrance to understanding* is taken away.

2 Corinthians 3

AKJV

¹⁷ Now the Lord is that Spirit: and where the Spirit of the Lord is, there is liberty.

¹⁸ 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.

A key to understanding this is that the letter of the law *does not* convey liberty, it restricts. The *spirit* of the law conveys liberty. And even in civil society—if you will just think about it for a while, you’ll come to understand that a moral people, a people who have virtue and who are a virtuous people, will actually be able to *obey* the law and make a society work effectively in a way that people who do not carry that virtue simply *cannot*. The law *won’t do it*.

You know, there been not a few religious movements in the past who have tried to manage their flocks according to the letter of the law, and as a result they have created a cult and they have stifled the work of the spirit among God’s people. So I agree with Guinness: freedom requires virtue. And if freedom has to be guarded by laws, it will eventually be lost. And, to that, I think the Apostle Paul also agrees.

The next side of the “Little Triangle of Assumptions” is this: virtue requires faith, of some sort. This is the simple reason the framers argued there should be religious liberty. Now, this is inescapable. Without faith, without God, we become our own arbiters of what is right and what is wrong. And if we don’t like it that this law says it’s wrong, we can change the law and say, “Well, it’s okay now.” So first Congress, and then the courts, start deciding right from wrong *for us* and in the process they will squeeze our liberties *into oblivion*. We might have gone on a long time this way if it were not for global terrorism, but because our whole society now is under terrible stress we are going to make a more rapid transition into tyranny if we’re not very careful.

We have long since tossed God out of the schools, and our kids are taught that we have no designer, no guarantor of our freedoms, no final arbiter of right and wrong. Therefore, life has no meaning—we are just here, and we will struggle through it, and when we’re gone, we’re gone. What effect would that have on a young person, as they enter into this world that we’re living in and try to solve the problems that are before us? We have to look to ourselves and there’s no God to save us. Freedom cannot survive that. So, we solve our problems with the law and, in the process, we give up *still more freedom*.

Finally, Os Guinness’ third assumption in his “Little Triangle of Assumptions”: faith requires freedom. If that triangle, he said, is perpetual than freedom has a chance of defying the odds and keeping alive. Without freedom, faith will be squeezed to *nothing*.

I came of age in World War II, and I recall distinctly *worrying* about our losing that war. My elders talked a lot, and I listened a lot, and I recall distinctly wondering when and how the United States would *finally fall*. For I was beginning to learn that every great empire that ever existed on this planet had, sooner or later, fell and ceased to exist. And I just wondered when it would happen to us. It was kind of scary to me. And the question is *still* before us: will we survive as a civilization or will we, like all the great ones before us, *go into decline*?

So we have the question: Will we survive as a civilization or will we, like all the great ones before us, go into decline and disappear. Everyone knows about Rome—how it was one of the great empires, one of the greatest the world had ever known—and how the Roman Empire eventually declined and fell. But, actually, there were great empires before that. Before Rome was Alexander and his incredible empire that he spread all over the Middle East, right to the very doorsteps of India. And, of course, in times prior to that we had the Babylonian Empire, the greatest Assyrian empires—all of them fell.

And, you know, it’s surprising how few people today realize what a great empire the Islamic Empire was at one time in history of the world. You know that they actually took most of Spain, and held most of Spain, all of the Gibraltar area, all of North Africa, all of the Middle East, and everything all the way to India again—that they’d actually dominated most of the known world at that time. It was one of the most powerful, greatest empires the world has ever known. And now they are reduced to a cowardly killing of women and children in a vain attempt to somehow recapture former glory. They fell. In our own time, we’ve seen the disappearance of the British Empire. So why should we assume that we are any better and that we should endure? Because that which would have made us better has been *tossed aside*. The Apostle Paul wrote about

this to the Romans in chapter one, verse 16. He said:

Romans 1

AKJV

¹⁶ For I am not ashamed of the gospel of Christ: for it is the power of God to salvation to every one that believes; to the Jew first, and also to the Greek.

Now, we're prone to think of this in terms of salvation of us as *persons*. Do you realize it's also the salvation of a civilization?

Romans 1

AKJV

¹⁷ For therein is the righteousness of God revealed from faith to faith: as it is written, The just shall live by faith.

¹⁸ For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who hold the truth in unrighteousness;

Now, mind you, we're talking now about civilizations, about leaderships, about societies. He says:

Romans 1

AKJV

¹⁹ Because that which may be known of God is manifest in them; for God has showed it to them.

²⁰ For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse:

All you've got to do is look around you in the world and the evidence of God *is there*. And then Paul goes on to say:

Romans 1

AKJV

²¹ Because that, when they knew God, they glorified him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened.

²² Professing themselves to be wise, they became fools,

And, you know, that's just about where we are now. We are a people who think we do not need God, we can cast off God, we can throw God out of public life, we can get God out of schools. Faith and all this character stuff and virtue—that's all fine for private lives but it has nothing to do with the public square. We think we're wise. We think we know how to run a country, and we're making ourselves fools.

Romans 1

AKJV

²³ And changed the glory of the incorruptible God into an image made like to corruptible man [...]

And what we have done is to assume that *we can be our own god*. No, you don't think so? But, you see, if we are our own lawmakers—if we can save our own society and our own lives and make everything work for us fine with *laws*—then we have become *our own god*, and as a result, we reject the *one source* of our freedom and of truth and of law. What happens when you do that? Well, Paul said:

Romans 1

AKJV

²⁴ Therefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonor

their own bodies between themselves:

²⁵ Who changed the truth of God into a lie, and worshiped and served the creature more than the Creator, who is blessed forever. Amen.

²⁶ For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature:

²⁷ And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is shameful, and receiving in themselves that recompense of their error which was fitting.

²⁸ And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not proper;

And, while we have a lot of people in our country today who still believe in God and will still retain God in their knowledge, as a nation, as a matter of policy, we have not wanted to retain *God* in our knowledge, in our government, in our halls of government. And so, like others before us, we've been given over to a reprobate mind filled with:

Romans 1

AKJV

²⁹ [...] all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers,

³⁰ Backbiters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents,

³¹ Without understanding, covenant breakers, without natural affection, implacable, unmerciful:

³² Who knowing the judgment of God, that they who commit such things are worthy of death, not only do the same, but have pleasure in them that do them.

Can we turn this around? I don't know, but we have to try.

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