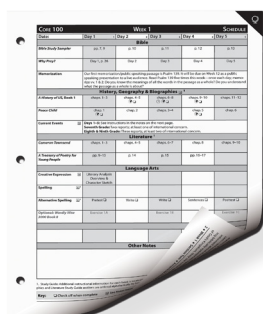


Quick Start Guide

Instructor's Guide: Core 400

1 Get to Know Your Instructor's Guide

Your Instructor's Guide (IG) gives you the structure and flexibility to homeschool with confidence. Each upper-level IG comes in two parts: a Parent Guide and a Student Guide. These guides help children become more independent in their learning and equip you to be their learning coach.



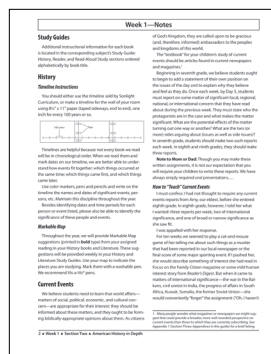
Note: The Parent Guide is formatted and numbered the same as the corresponding Student Guide. The only difference between them is that the Parent Guide has the answers written in and provides extra notes about books' plots and literary elements

(e.g., themes and styles). This allows you to discuss the reading with your children and check their answers even if you haven't read the books yourself. Your students don't see these extra helps or answers unless you want them to.

Before you dive into your new Sonlight materials, familiarize yourself with these vital tools. Remember that you are in control of your homeschool; the wealth of information in your IG is here to help you.

2 Plan Your Schedule and Use Your Notes

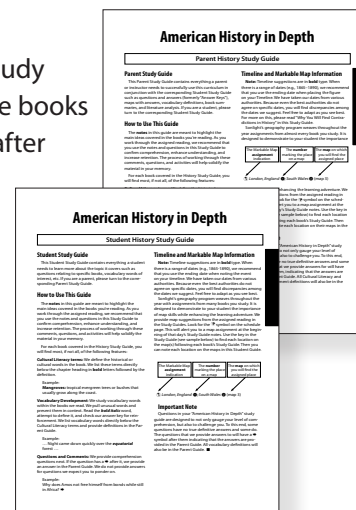
The weekly schedules help you plan. You can follow them closely, reorganize them, or merely use them as a springboard for your own plans. Please know you DO NOT have to do everything scheduled in your IG. Find a rhythm that works for you. You can study every subject every day or focus on one subject at a time.



Find thought-provoking Notes for scheduled assignments and Creative Expression assignments directly behind your Schedule pages. Use these Notes to spark discussions with your children.

3 Find Help with Study Guides & Appendices

You have helpful Study Guides for most of the books you read. Find them after the large section of Schedule pages. The Study Guides feature vocabulary words, cultural literacy notes, and map and timeline activities to help solidify what your children are learning.



You can use the comprehension questions to be sure your children understand what they read. Find answers and learning objectives in your Parent Guide.

Appendices have extra helps and resources (like a sample plot line and "How to Do a Research Project") to make your job easier.

4 Start Your Journey

Ready? Set? Go! Your Core IG lets you to teach well from the very first day. As you progress, you can easily adapt the curriculum to meet your needs. Need to go faster or slower? Need to use more/less than what we offer? Sonlight puts you in control of your homeschool journey and enables you to customize your children's educational experience. Our goal is to make your job easier, help you overcome obstacles, and protect your family's interests. Please contact us if we can help. Visit www.sonlight.com/help or call (303) 730-6292.

Subjects for Core 400

- **History:** As your children study chronological History and enjoy historical fiction and fascinating biographies, they'll learn about the key events and people that shaped our world. In particular, Sonlight features historical figures whose character and achievements we want children to emulate. As children study the past, they begin to shape their future.
- **Bible:** Equip your children to study, interpret and apply the scripture to everyday life. Daily Bible readings and thought-provoking supplemental materials help you mentor your children as they grow in Christ.
- **Literature:** Literary classics and more historical fiction add color and depth to your children's history study. Includes the best books that teach your children, stretch their thinking, prepare them for college and foster a true love of learning.
- **Language Arts:** A complete writing program develops the critical thinking, literary analysis and creative writing skills your children will need to excel in college and effectively engage our culture from a Biblical worldview.

Three options for teaching your teens

- **Option 1, Hands-on Teaching:** Give your students the Student Guide and keep the Parent Guide yourself. You can do as much of the reading together as you want and give the scheduled assignments as you see fit. You and your students can follow along together each day. Using the extra notes in your Parent Guide, you can discuss the reading, comprehension questions and notes and enjoy the dialogue with your teen.
- **Option 2, Guided Independent Study:** Give your student the Student Guide and keep the Parent Guide yourself. As your students handle their own schedule and assignments, you can check their answers and discuss any points of interest. The extra notes in your Parent Guide help you discuss reading and ideas even if you haven't read the books yourself.
- **Option 3, Full Independent Study:** Give your student both the Parent and Student Guides. Your students can work independently from the Student Guide and then check their answers in the Parent Guide. You can check their progress and discuss their learning as you see fit.

Civics/American Government—Schedule for Topics and Skills					
Weeks	Memory Work	Bible Reading	History/Social Studies	Geography	Biography
1	Deuteronomy 4:5–8	Use of the Law; Christ and the Law; Restoration of Biblical Casuistry	Introduction to American Government in the 19th Century; Introduction to American Government in the 20th Century; Introduction: the Political Crisis	<i>United States, Germany, Russia, Sweden, England, Ecuador</i>	Jim Elliot
2	Deuteronomy 4:5–8	The Woman Taken in Adultery; the Tribute Money; the Law in Acts and the Epistles; Natural and Supernatural Law	Introduction: the Political Crisis; Significance of Written Constitution; Powers of Congress; the Constitution (Art. I); Powers of the President; Authority of the Courts; A Mixed Government	<i>England, United States, Ecuador</i>	Jim Elliot
3	Passage of your choice	Natural and Supernatural Law; the Law as Direction and Life; the Restoration of Biblical Casuistry	The Constitution (Arts. II–VII); A Republic; A Federal System of Government; A Limited Government; the Bill of Rights; Constitutional Amendments 1–3	<i>United States, Ecuador</i>	Jim Elliot
4	Passage of your choice	What is Covenant Law?; Pro-Nomianism; What are the Case Laws; Biblical Theology of Slavery	The Bill of Rights; Constitutional Amendments 4–10; Judeo-Christian Background; Greek Rationalism; Socrates; Plato; Aristotle	<i>Greece, Ecuador</i>	Jim Elliot
5	Passage of your choice	Biblical Theology of Slavery; the Prohibition Against Usury	Cicero; the Philosopher Kings; the Middle Ages	<i>Rome, Ecuador</i>	Cicero, Jim Elliot
6	Passage of your choice	Biblical Theology of Slavery	The Middle Ages; the Renaissance; the Reformation	<i>Europe</i>	
7	Passage of your choice	Biblical Theology of Slavery	The Age of Reason; the Magna Carta; the English Heritage; the Political and Religious Backdrop of the Founding of the United States; the Reformation's Role in Advancing Political and Religious Liberty	<i>Paris, England</i>	
8	Passage of your choice	Victim's Rights vs. the Messianic State	Martin Luther's Protest; Calvin and the Presbyterians; Calvin's Resistance Theory; Tudor Family and the English Reformation; Stuart Family and the Divine Right of Kings; Two Revolutions in England Set the Stage for America's Birth; Civil War (Puritan Revolution) in England and Rutherford's Lex Rex; Westminster Assembly and Confession; Defeat of Charles I and the Protectorate of Oliver Cromwell; Restoration and John Locke	<i>Germany, Geneva, England</i>	Martin Luther, John Calvin, Henry VIII, James VI, Charles I, Samuel Rutherford, Oliver Cromwell, John Locke

Civics/American Government—Schedule for Topics and Skills (cont.)

Weeks	Memory Work	Bible Reading	History/Social Studies	Geography	Biography
9	Passage of your choice	Law as Warfare; Law and Equality; the Negativism of the Law; Victim's Rights vs. the Messianic State	Excursion: the Enlightenment; the Whigs and Algernon Sidney; the Glorious Revolution; John Locke's Political Philosophy; Political Changes of the 17th Century; British Political Thought; Richard Hooker; Thomas Hobbes; John Milton; John Locke; Trenchard and Gordon	<i>England, Scotland, Virginia, West Virginia, Malden, Hampton, Washington D.C.</i>	Algernon Sidney, John Locke, Richard Hooker, Thomas Hobbes, John Milton, John Trenchard, Thomas Gordon, Booker T. Washington
10	Passage of your choice	Swearing and Revolution; the Oath and Society; Swearing and Worship; the Oath and Authority; the Family and Delinquency	Sir William Blackstone; Adam Smith; the Flight of the Reformation to America; Basing Government Upon the Consent of the Governed; A Government of Laws, and Not of Men; Calvin's Dilemma; Puritan Predicament in America; Roger Williams; Anne Hutchinson; Puritan Desperation; Salem Witch Trials; First Great Awakening; Impact of the Awakening; the Socio-Cultural Backdrop for the Founding of the United States; the English Common Law: Our National Birthright; Common Law and Christian Morality	<i>West Virginia, Charleston, Hampton, Tuskegee, Alabama, New England, Massachusetts, Rhode Island, Salem</i>	Sir William Blackstone, Adam Smith, Roger Williams, Anne Hutchinson, John Wesley, George Whitefield, Jonathan Edwards, Booker T. Washington
11	Passage of your choice	The Family and Delinquency; the Principle of Authority; Wives and Concubines	American Colonial Experience; Practical Political Experience; Development of Ideas on Liberty; the Common Law and the Founding; Edward Coke; William Blackstone; Thomas Jefferson	<i>United States, Tuskegee, Madison, Boston, Atlanta</i>	Edward Coke, William Blackstone, Thomas Jefferson, Booker T. Washington
12	Passage of your choice	Wives and Concubines; the Family and Authority; the Limitations of Man's Authority	The American Revolution; Between Plymouth Rock and Independence Hall; the Religious Controversy that Ignited the Revolution; Samuel Adams and the Sons of Liberty; the "Presbyterian Rebellion"; Two Founding Documents; the Law of Nature and Nature's God; A Season of Constitution Making; Declaration of Independence	<i>United States, Boston, Tuskegee, New York, Antwerp, Holland, Belgium, Paris, London</i>	Samuel Adams, Booker T. Washington

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Civics/American Government—Schedule for Topics and Skills (cont.)					
Weeks	Memory Work	Bible Reading	History/Social Studies	Geography	Biography
13	Passage of your choice	“Thou Shalt Not Kill”; the Death Penalty; Origins of the State: Its Prophetic Office; “To Make Alive”	Declaration of Independence; Self-Evident Truths, Inalienable Rights, and Slavery; Consent of the Governed; Relying on Divine Providence; State Constitutions; Government in the States; Government at the State Level; the Executive	<i>Massachusetts</i>	
14	Passage of your choice	Abortion; Restitution or Restoration; Military Laws and Production; Taxation; Love and Law	The Legislature; State Courts; County Governments; Municipal Governments; Other Local Governments; Your State Constitution		
15	Passage of your choice	Coercion; Quarantine Laws; Dietary Rules; Work; Amalek	State Constitutions; Virginia Bill of Rights; Articles of Confederation; Constitution of 1787	<i>Virginia, Philadelphia</i>	
16	Passage of your choice	Amalek and Violence; Violence as Presumption; Social Inheritance; Landmarks; Dominion; Theft	Constitution of 1787; Constitution: Preamble, Art. I, Secs. 1–4; Constitution: Amend. 17; the Federal Constitution; the Nature of Federalism; the Federalist Papers; the Constitution and Religious Language		
17	Passage of your choice	Restitution and Forgiveness; Liability of the Bystander; Money and Measure; Fraud; Eminent Domain	Constitution: Art. I, Secs. 5–10; Constitution: Art. II, Secs. 1–4; Amendment XII		
18	Passage of your choice	Labor Laws; Robbing God; Prison; Lawful Wealth; Restitution to God	Constitution: Art. III, Secs. 1–3; Art. IV, Secs. 1–2; Arts. V–VII		
19	Passage of your choice	The Rights of Strangers, Widows and Orphans; Injustice as Robbery; Theft and Law; Criminal Law and Restoration	Constitution: Amendments 1–10; Separation of Church and State; Religious Climate in Colonial Virginia; Madison and Jefferson; Virginia Bill of Rights; Taxes and the Use of Force; Jefferson’s Statute for Religious Freedom; the Baptist Influence on Jefferson; What Jefferson Said; Religious Taxes; James Madison’s Reply; Madison’s Impact; Contemporary Views	<i>Virginia</i>	Thomas Jefferson, James Madison
20	Passage of your choice	Criminal Law and Restoration; the Auction for Substitute Sanctions	Separation of Church and State		

Civics/American Government—Schedule for Topics and Skills (cont.)

Weeks	Memory Work	Bible Reading	History/Social Studies	Geography	Biography
21	Passage of your choice	The Auction for Substitute Sanctions; the Ransom for a Life	Separation of Church and State		
22	Passage of your choice	The Ransom for a Life; the Uncovered Pit; Proportional Restitution	Separation of Church and State		
23	Passage of your choice	Proportional Restitution	Separation of Church and State; Establishing a General Government; Putting the Government in Operation; Setting an Economic Course; Foreign Affairs; Washington's Farewell Address	<i>England, France, Spain, West Florida</i>	
24	Passage of your choice	Pollution, Ownership, and Responsibility	Washington's Farewell Address; the Rise of Political Parties		
25	Passage of your choice	Pollution, Ownership, and Responsibility	Limited Constitutional Government; the Jeffersonians; Economy in Government; Checks and Balances in Practice; the Jacksonians		Thomas Jefferson, Andrew Jackson
26	Passage of your choice	Pollution, Ownership, and Responsibility; Safekeeping, Liability, and Crime Prevention	the Constitution as Higher Law: the Establishment of the Supreme Court; Major Decisions of the Marshall Court; the Taney Court		John Marshall, Roger Taney
27	Passage of your choice	Caretaking and Negligence; Tempting God; Corroboration; Perjury	Civil War and Reconstruction: Constitutional Disruption and Restoration; Republicans in Power; Conduct of the War and Presidential Reconstruction; American Civil War		
28	Passage of your choice	False Freedom; the Lying Tongue; Slander; Trials by Ordeal and the Law of Nature; Judges	American Civil War; Segregation and Racism in the Deep South	<i>New Orleans</i>	John Howard Griffin
29	Passage of your choice	The Responsibility of Judges and Rulers; the Court; the Procedure of the Court; the Judgment of the Court; the Law in Force	American Civil War; Segregation and Racism in the Deep South	<i>New Orleans, Mississippi</i>	John Howard Griffin
30	Passage of your choice	Seduction and Servitude; Oppression, Omniscience, and Judgment	Conduct of the War and Presidential Reconstruction; Congressional Reconstruction; Constitutional Reconstruction; American Civil War; Segregation and Racism in the Deep South	<i>Mississippi, Mobile, Montgomery, Georgia</i>	John Howard Griffin

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Civics/American Government—Schedule for Topics and Skills (cont.)					
Weeks	Memory Work	Bible Reading	History/Social Studies	Geography	Biography
31	Passage of your choice	Oppression, Omniscience, and Judgment	Constitutional Restoration; American Civil War; Segregation and Racism in the Deep South	<i>Atlanta, New Orleans, Mansfield</i>	John Howard Griffin
32	Passage of your choice	The Prohibition Against Usury	Preparation for Leviathan; Cutting Away the Foundations; the Rise of Socialism; Major Reforms of Progressives; Presidential Leadership; 16th Amendment; 17th Amendment; the Federal Reserve System; American Civil War		
33	Passage of your choice	Impartial Justice and Legal Predictability; Finders Should Not Be Keepers	Progressivism; Federal Reserve System; Breaking the Constitutional Dam; Emergency Used to Justify Action; Overwhelming Congress; Bringing the Courts to Heel; American Civil War		
34	Passage of your choice	Bribery and Judgment; Feasts and Citizenship	Buying the People; Overwhelming the State Governments; Buying and Controlling the States; States Reduced to Minions by the Warren Court; the Segregation Decisions; Reappointment Decisions; Federal Courts Intervene in Criminal Prosecutions; Driving Religion and Morality Out of Public Life; American Civil War		
35	Passage of your choice	Feasts and Citizenship; the Curse of Zero Growth	Pornography, Vulgarly, and Obscenity; Abortion; Government Out of Control; Fiscal Policy and Spending; the Welfare State; Foreign Aid; the Credit Expansion System		
36	Passage of your choice	The Curse of Zero Growth	Bureaucracy; the Ubiquitous Bureaucracy; Bureaucratic Barriers; Oppressions Large and Small; Crime, Punishment, and Litigation; Potpourri		



CORE 400


WEEK 1

SCHEDULE



Date:	Day 1	Day 2	Day 3	Day 4	Day 5
Bible ¹					
Institutes of Biblical Law	Introductory Comments in Bible Study Guide pp. i–iv		pp. 651–655 “The Use of the Law”	pp. 302–308 “Christ and the Law”	pp. 698–702 “Christ and the Law”
Tools of Dominion		pp. 27–30 (end of para. that spans pp. 29–30); 36–41 (end)			
Memorization	You may, of course, memorize anything you want. However, for the first two weeks, we recommend Deuteronomy 4: 5–8.				
History/Civics and Historical Fiction ¹					
Basic American Government ²	Introductory Comments in History/Civics and Historical Fiction Study Guide, pp. i–ii	p. xi–para. that spans pp. xi–xii; pp. 215–218	pp. 347–350 (very end)	pp. 351–355	pp. 4 (last para.)–10 (para. that spans pp. 9–10)
Shadow of the Almighty	Preface, Introduction, Prologue	chaps. 1–2	chap. 3	chap. 4	chap. 5
Current Events	 ³ Check boxes when you have completed each assignment: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
American Literature ¹					
The Scarlet Letter	chaps. 1–3	chaps. 4–6	chaps. 7–8	chaps. 9–11	chaps. 12–13
100 Best-Loved Poems	“Lord Randal” p. 1		“Sir Patrick Spens” pp. 2–4		“The Lover ...” pp. 4–5
Language Arts					
Creative Expression ⁴	This week is so full of other things, I’m going to let you off of an additional assignment here in Creative Expression. We’ll be making up for “lost time” soon enough! Enjoy your freedom while you have it ☺.				
Math					
Other Notes					
Foreign Language					

1. Study Guides: Additional information for each book is located in the corresponding subject’s Study Guide: Bible, History/Civics and Historical Fiction, and American Literature. The sections are ordered alphabetically by book title.

2. **Note to Mom or Dad:** Read the Introductory Comments for *Basic American Government* on p. 1 in the History/Civics and Historical Fiction Study Guide.

3. The  symbol means there is a note for this assignment in the notes section immediately following the schedule page.

4. Please look for your Creative Expression assignment in the Notes section immediately following the schedule page.

Key: ☐ Check off when complete  See Notes following Schedule  Map Assignment  Timeline Suggestion

Current Events

Note to Mom or Dad: We believe students need to learn that world affairs—matters of social, political, economic, and cultural concern—are appropriate for their interest: they should be informed about these matters, and they ought to be forming biblically-appropriate opinions about them. As citizens of God’s Kingdom, they are called upon to be gracious (and, therefore, informed) ambassadors to the peoples and kingdoms of this world.

The “textbook” for your children’s study of current events should be articles found in current newspapers and magazines. This year, we think a daily newspaper would be more appropriate for at least two out of three of each week’s reports.

Students must prove that they are informed by telling you¹ about articles they have read in a newspaper or magazine and then going on to add a statement of their own position on what it is they have reported. They must also explain why they believe and feel as they do.

To Student: Someone has said that the last 100 years have marked the era of politics. One of the best means I have found for learning about what is going on in the world of politics—government—is to read the “Commentary” or “Op-Ed” (Opinion-Editorial) pages in our newspaper. In most papers, you will find an assortment of opinions, liberal and conservative, informed and ignorant, well-stated and some that are just plain awful.

This year I would like you to read and comment on at least one professional column (i.e., not just a letter to the editor) each week. Much as it may tend to make you want to gag, if you report on the comments of a columnist with whom you agree one week, I want you to find the next week a columnist with whose views you tend sharply to *disagree* ... and comment on that columnist’s viewpoint.

Our purpose, here, is to give you practice at accurately and fairly *summarizing* a person’s viewpoint (a difficult task!), then *analyzing* the relative strengths and weaknesses of that person’s position, and, finally, stating how and why you would *improve* on his or her viewpoint (if you think you can).

Let me attempt to illustrate—through general examples—how and why I think this exercise is so valuable.

I am, personally, of a libertarian bent. Put in other words, I believe in “free minds (i.e., the free and open exchange of ideas and information) and free markets (i.e., buying and selling with as little government interference as possible).”

When I read articles or commentaries that advocate for and extol the virtues of minimal government interference in the lives of normal, everyday human beings, my heart exults. And I would be a *happy* hardcore libertarian if I would only read libertarian journals.

The problem is, I read conservative papers and liberal works as well. And I am left with questions about the all-encompassing wisdom and truth of libertarian policies. I wonder: would the United States today—or even in a hundred years—be anywhere near so wealthy if President Theodore Roosevelt had pursued conservative rather than “Progressive” (really *socialist*) policies back in the period 1901 to 1909? *Would* “the market,” alone, have permitted poor children in the early 1900s to acquire the education they needed to better themselves and escape the grinding poverty that their parents suffered? What is the proper role of government?—Without the alternative commentaries, I would have no doubts. I would be a self-assured man. And, I’m afraid, I would be wrong about too many things.

By reading the alternative viewpoints, I see the weak spots within my own philosophy, among “my own” people. I learn what issues concern other people and how they express their concerns. If I listen *very* carefully, I may even be able to learn how to express my own viewpoints more forcefully and effectively than I would be able to if I had never listened to “the other side.” ...

Please. Take the time. Endure the frustration. Discipline yourself and learn!

Timeline

You should either use the timeline sold by Sonlight Curriculum, or make a timeline for the wall of your room using 8½" x 11" paper (taped sideways, end to end), one inch for every five years.

Timelines are helpful because not every book we read will be in chronological order. When we read them and mark dates on our timeline, we are better able to understand how events fit together: which things occurred at the same time, which things came first, and which things came later.

You may wish to trace pictures from standard references, or draw them. Some people prefer a less graphic approach and simply use color markers, pens, and pencils to write on their timeline the names and dates of significant events, persons, etc.

Whatever method you use, we believe your sense of history will be enhanced if you maintain this discipline throughout the year.



You will find key events and people listed in the Study Guide for each book you are reading as well as on the Timeline Figure Schedule in the Introduction.

Markable Map

Use your markable map to indicate the places you are ... ■

1. And I do mean *telling* you, orally, *not* in writing!

Date:	Day 1	Day 2	Day 3	Day 4	Day 5
Bible					
Institutes of Biblical Law	pp. 702–706	pp. 718–723	pp. 730–735 (end with 1st complete para.)	pp. 735–738	pp. 679–684 (end with 4th complete para.)
Memorization	Deuteronomy 4: 5–8				
History/Civics and Historical Fiction					
Basic American Government	pp. 10–15	pp. 17–24	pp. 24–27	The Constitution, Art. I: pp. 534–539	pp. 27–33
Shadow of the Almighty	chap. 6	chap. 7	chap. 8	chap. 9	chap. 10
Current Events	Check boxes when you have completed each assignment: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
American Literature					
The Scarlet Letter	chaps. 14–16	chaps. 17–19	chaps. 20–21	chaps. 22–24	
The Portable Edgar Allan Poe					"The Purloined Letter" pp. 327–344
100 Best-Loved Poems	"The Passionate Shepherd ..." pp. 5–6		Sonnet XVIII: "Shall I compare thee to a summer's day?" p. 6		Sonnet LXXIII: "That time of year thou mayst in me behold", p. 7
Language Arts					
Creative Expression	Audience Focus It's All About "You! You! You!" Part I				Response Paper: The Scarlet Letter
Math					
Other Notes					
Foreign Language					

Key: ☐ Check off when complete  See Notes following Schedule  Map Assignment  Timeline Suggestion

Creative Expression

Day 1: It's All About "You! You! You!," Part I

One of the most difficult lessons any author has to learn is to focus on their audience. Not only does this discipline generate the kinds of behavior recognized generally as "common courtesy," it makes for effective communication. And for an author, communication is what everything is about.

I would like you to consider some authors who failed to consider their audiences.

One group I love to pick on is the majority of ad writers. Of all the people in the world who should be thinking about their audiences, it should be ad writers. They're trying to sell something, for goodness sakes. And if they don't think of their audience, they will not only fail to communicate, they will fail to make the sale. And they are *paid* to make sales!

So, just for fun, and to get our year off on the right foot, I would like you to consider the following very real advertisement I found in none other than *RT (Retail Technology)* magazine (January 1998). This is what it looked like and what it said:

Photograph (the photo, taking up half the page, grabs our eye first): A gray, elongated box-like thing with nondescript buttons down the right, a light-greenish rectangle that looks something like a PalmPilot® screen in the middle, and the letter/ words "TELXON PTC-1124" down the left. Below the rectangle that looks like a screen, there are four buttons: "Call," "Help," and an up-arrow and a down-arrow.


My commentary/analysis: by looking at the picture, I honestly don't know what the box is. All I can figure out is that it's something kind of technological. By the way: notice that if I had some idea of what the thing was, I could simply tell you: "a personal digital assistant (like a PalmPilot®)," or, "a cell phone," or, "a computer," or ... whatever it is. But I don't know what it is. It doesn't look like anything I've ever seen before. ... Oh. And I should also note that when a picture is as nondescript as this one is, neither I nor you nor anyone else is going to spend a lot of time looking at it the way I have been forced to in order to attempt an accurate description. ... So let's go on to the headline that should explain what it is ... supposing you actually care!

Headline (right above the photo): "We Trimmed The Fat, Added A Whole Lot Of Muscle, And Sent It To Merchandising School."

My commentary/analysis: Uh-huh. Right. Has the headline added any more interest, excitement, or understanding? Do you have any idea who this thing is for? Why are they using a meat metaphor for a technological gizmo? Are you motivated to keep reading? I'm not, either, but since this is today's assignment, I'm sorry, you're going to have to keep reading anyway!

Body copy: "Telxon's new PTC-1124 is only 7.6 inches long and weighs in at just 24.5 ounces. However, it's no lightweight when it comes to power, performance and durability. This new pen-based prodigy packs 486 power, advanced touch screen technology and robust wireless networking capabilities into a rugged information management tool designed for a myriad of retail applications. Its custom magnesium case and sturdy frame are also engineered for reliability in even the most demanding stockrooms and distribution center environments. Telxon's SelecTouch™ display speeds the user through data input, functions and application routines with fingertip control. Built-in data communication support includes a serial infrared port and a PC Card slot. You get it all—power, durability and smarts. Telxon's new PTC-1124 the future of what's in store.

"TELXON. Driving Change For The Future."

Closing Copy (very tiny print): "©1997 Telxon Corporation. Telxon is a registered trademark and SelecTouch is a trademark of Telxon Corporation in the United States and other countries. Internet E-mail Address: sales@telxon.com.*Visit our IG links web page for a link that will allow you to read the entire story .

My commentary/analysis: Boy! Does that get your juices flowing, or what? Aren't you excited about the Telxon "PTC-1124"? No? I didn't think so.

What's the problem?

First: do you have any idea of what this ad is about? (*Some kind of computerized something!*) But can you think of someone you would like to rush out and tell about the "PTC-1124"?

No? That's what I thought. There is nothing—*N-O-T-H-I-N-G*—that gives us any clue about who this ad is addressed to. The photo doesn't do it. The headline doesn't to it. Nothing does it. And so I certainly don't see myself being interested in this ... *thing*. And I can't think of anyone else who would want one, either.

Eighty to ninety percent of all advertisements are about as ineffective as the one I just described. They don't tell the reader *who* it is that the advertiser is trying to talk to. They don't tell the reader what *benefit* they may expect to

gain by either reading the rest of the ad or by purchasing the product. They really don't tell you what the product will *do*.

The problem is that the advertiser—or, I should say, the copywriter (the person who writes the ad)—is thinking too much of him- or herself and too little about the potential customer.

Whoever wrote the ad for Telxon was so excited about the PTC-1124's size and weight that they forgot to tell us what the thing is! Moreover, the author described it in technical terms that only an "insider" would understand.

Well, here's an ad that could get some people's juices flowing ... but for what? (Please note: each slash ("/") in the headline means that there was a line break. I have capitalized exactly as the ad was capitalized.)

Headline (very large type): "a woman /
seated /
in a /
low-cut dress /
of velvet /
dark eyes /
long straight /
brunette hair /
she is smiling /
almost imperceptibly"

My commentary/analysis: Uhh. Wait a second. *What* is this ad about? I get down to "low-cut dress" and think it may be something salacious or off-color. But this is in a business magazine.

Body Copy: "Some things you just have to see."

Photograph (very small, located between "just" and "have" in the body copy above): Leonardo daVinci's *Mona Lisa*.

My commentary/analysis: Now I'm *really* confused. What does a low-cut dress have to do with the *Mona Lisa*? Oh! I see! The *Mona Lisa* is wearing a low-cut dress. (Maybe.) And all those words in the headline were supposed to be describing the *Mona Lisa*.... But *what is this ad about?* And why am I reading it? Why should I *bother* to read it? To whom is it addressed? Am I wasting my time to keep reading? (Sorry. You're the student. You have to keep reading, whether the ad is a waste of time or not!)

More copy: "Introducing the iGrafx® System from Micro-
grafx®/The only fully integrated system that helps business users, IT professionals and consultants communicate concepts, visualize solutions, and improve business processes through graphics-based applications. The iGrafx® System lowers total cost of ownership across the entire range of solutions, while providing intelligent graphics tools

needed at every level of the modern enterprise. To see for yourself, visit our website."

My commentary/analysis: Umm.... Any better?

Let's see.... I don't find out until almost the very *end* of the ad that it has something to do with "graphics tools" (whatever they are). I can *pretty well* guess, by the time I've finished reading the copy, that iGrafx® has something to do with software, but what a lousy way to communicate the concept!

If only the people who are supposed to read the ad knew, from the very beginning, that it was directed at them! (But who's going to scan through the weird headline to get down to the fine print?)

Well, how's this alternative?

Headline: "Our new iGrafx® software suite will give you and your company **more power in illustrating, charting, analyzing, and communicating visually than you ever thought possible** / (And more than we can possibly tell you about here.)

Body copy: "Introducing the iGrafx® System from Micro-
grafx®—the only fully integrated system ..."

Do you have a better idea of *who* this ad is addressed to and *who* ought to spend the time reading it? Does it tell you a bit more of *what* iGrafx® is and *how* it might serve you (supposing you need its services)?

I hope you can agree with me that it does....

Right about now I'm sure *you're* beginning to think: "This is all very interesting, but what does *this* topic have to do with *me*?"

It has to do with you because you have to do better than the ad writers. You have to keep your audience in mind. You have to think through what your *audience* is interested in. You have to think through what will catch your *audience's* attention. You have to make sure you use language that will speak to *their* felt needs and interests. You have to make sure you explain whatever you need to so that your *audience* will understand what you're talking about (even if you understand completely).

Am I beginning to make sense to you?

This week, I want you to look through a magazine and locate two really bad advertisements. A computer or internet magazine is likely to have a large number of lousy ads. (The copywriters for Internet companies are especially prone to think that "cute" is more important than good information.) But you should be able to find two crummy ads in almost any publication you look at.... Homeschooling magazines have notoriously bad advertisements; maybe you will want to look at one of those.

Anyway. After you have located your two lousy advertisements, I want you to write down how and why you believe the author failed to communicate well to his or her appropriate audience.

My purpose here is to help you become more aware of the pitfalls that can come between you as a writer and your audience who must make sense of what you are trying to communicate.

Next week we'll have you rewrite the ads you've found so that they communicate better.

Day 5: Response Paper: *The Scarlet Letter*

I want you to interact with one of the primary themes or subjects of this book. I will suggest a couple; you may write on one that I suggest, or you may develop one of your own.

Last week we took note of Hawthorne's suggestion that his book would tell "a tale of human frailty and sorrow." The Bible tends not to speak in such terms of adultery. What terms does the Bible use to speak of such matters? This, the idea that *The Scarlet Letter* is a tale of human frailty and sorrow, is one of the two themes with which I would be happy to see you deal: talk about how Hawthorne turns what would have been a tale of moral failure and should have been (if it had been about such a failure) a tale of repentance, into such a tale as that which he describes: "a tale of human frailty and sorrow."

You have not seen the moral side of the story. Hawthorne never told that tale. So it will take hard work on your part to explain how he changed what he never wrote into the tale that he did. I believe, however, that such efforts on your part may be well rewarded.

Perhaps, to begin the journey backwards, you will have to think how Hawthorne made Hester an attractive and sympathetic figure: how does he get us to identify with her, even if we cannot imagine ourselves ever doing what she did with Arthur Dimmesdale? ...

Another theme: how does Hawthorne make religion look ridiculous?

A third: talk about redemption in *The Scarlet Letter*. Who, if anyone, is redeemed? ... Don't only or merely, or possibly, even at all, talk about eternal redemption. What I'd like you to discuss is the internal, personal sense of redemption a person might feel. Or about social redemption: how a person may be viewed in the eyes of a community. Was Hester redeemed in any of these senses of the term? How about the Rev. Dimmesdale? Roger Chillingworth? ... What contributed either to affecting such redemptions or to precluding such redemptions? ... Is the sense of redemption (or lack thereof) as portrayed by Hawthorne realistic in your eyes? Why or why not? ...

As I said: you may feel free to follow a different theme in your paper. Mostly, I want you to interact with the ideas and/or attitudes expressed in this book.... ■



CORE 400

WEEK 3

SCHEDULE

Date:	Day 1	Day 2	Day 3	Day 4	Day 5
Bible ¹					
Institutes of Biblical Law	pp. 684 (last complete para.)–686 (para. that spans pp. 685–686)	pp. 689–693			
Tools of Dominion			pp. 42–48	pp. 48–54	pp. 54–58, Conclusion (61–62)
History/Civics and Historical Fiction ¹					
Basic American Government	The Constitution, Arts. II–VII, pp. 539–544	pp. 33–40 (end about 1/4 of the way down: “... delegated or enumerated powers.”)	pp. 40–45 (end of first complete para.: “... the substantive provisions.”)	pp. 45–51	pp. 51–56 (para. that spans pp. 55–56); Constitution, Amendments 1–3 (p. 545)
Shadow of the Almighty	chap. 11	chap. 12	chap. 13	chap. 14	chap. 15
Current Events	Check boxes when you have completed each assignment: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
American Literature ¹					
The View from Saturday	chap. 1–p. 31 (very end)	p. 32–end of chap. 2	chap. 3	chaps. 4–5	chaps. 6–12
100 Best-Loved Poems	Sonnet XCIV: “They that have power to hurt and will do none”, p. 7		Sonnet CXVI: “Let me not to the marriage of true minds”, pp. 7–8		Hamlet’s Soliloquy (In the American Literature Study Guide)
Memorization	Shakespeare’s Sonnet 116 (see 100 Best-Loved Poems in the American Literature Study Guide). Presented in Week 8.				
Language Arts					
Creative Expression	Ad Copy It’s All About “You! You! You!” Part II				Free Response Paper
Math					
Other Notes					
Foreign Language					

1. Study Guides: Additional information for each book is located in the corresponding subject’s Study Guide: Bible, History/Civics and Historical Fiction, and American Literature. The sections are ordered alphabetically by book title.

Key: ☐ Check off when complete See Notes following Schedule Map Assignment Timeline Suggestion

Week 3—Notes

Creative Expression

Day 1: It's All About "You! You! You!," Part II

How did it go last week? Did you find some lousy ads? Could you explain to yourself and to your mom or dad *why* the ad failed to communicate?

Was the headline, perhaps, *misleading* (the way the "woman in a low-cut dress" ad was completely off the mark)? Did the author talk too much about the technical qualities of the product they were trying to sell without describing what those features would mean *to the customer*? Perhaps the ad writer simply failed to say much of *anything* about the product or service that they were trying to get you interested in? (You know, it can take *hours* of research in order to have something interesting and useful to tell a potential customer—just as it can take *you* hours of research to have something worthwhile to say about a subject for school.) If the ad failed to say much of anything useful about the product or service, did it at least give you a hint concerning where you could go to find out more (supposing you were bored enough that you would take the time to go hunt up information on something about which you knew nothing and had no idea why you ought to be interested in it in the first place ... other than that some fool company was willing to spend a few thousand dollars advertising their product in a magazine)?

This week I want you to choose one of the two ads you found last week, one that has a phone number, an address, or an Internet URL, and I would like you to do whatever research you need in order to at least outline—if not actually write—a new ad that *says something significant and interesting* to the appropriate *target audience*.

Yes. You will have to do research. You will have to find out what the company or product does and *why you* (or someone else) *should be interested*.

Once you discover the answers to those questions, you need to make sure they are placed in your new ad!

Day 5: Free Response Paper

"Free Response Paper" means the theme and subject matter of today's paper is pretty much up to you. If there is something on your heart to address by means of a well-written essay, now is your opportunity to do so.

I know if I were writing a paper, I would probably attack one of the issues raised in the Bible curriculum: whether it is appropriate for Christians to be involved in government; some government policy or practice that absolutely drives me up the wall; how I believe a law might best be rewritten to fulfill true justice; or *what is true justice*?

Then, again, maybe I would pursue a lighter topic for a week. So maybe I would discourse on something that tickles my fancy in *The View From Saturday*: what makes the book particularly interesting to me; what I believe caused me to cry (or, at least, to have my eyes well with tears) at the end of the book; or a mini-report on one of the questions that the kids had to answer—say on Elizabeth Cady Stanton and the Seneca Falls women's rights conference. ■

Introductory Comments

As I was preparing for this year's studies of civil government, I found myself struggling with several problems. The most difficult was this. Some people—actually, a very large number—say that Christians have no business getting involved in civil government.

Elisabeth Elliot says concerning her slain husband, Jim: "He believed that the church of Christ ... has abandoned national and political ties. In the words of the writer of Hebrews: 'But we are citizens of Heaven.' ... [Therefore,] a follower of Jesus [sh]ould not participate in war or politics. ... "1) Or, as one of our customers wrote, "I have always believed the Christian was to stand apart from the systems of this world, praying for leaders, calling them to account and to repentance, exercising a prophetic voice, but not directly participating in government by way of voting, involving themselves in politics, holding public office, joining the military, etc. Jesus' kingdom, he said, is not of this world, else would his servants fight. We are pilgrims, strangers, sojourners, not citizens of any earthly kingdom, as I see it. Just as I wouldn't vote or enlist in the army or run for office if I should be spending a long vacation in, say, France, neither would I do those things in this country."

One of the corollary ideas that many people—especially those in the Anabaptist movement—believe is this: "The principle of nonresistance which Jesus demonstrated once and for all on the Cross ... must be obeyed, in public life as well as in personal."²) In other words, Christians have no business using weapons of any type either in aggression or in self-defense.

As someone else has expressed it: "The rulers of the gentiles lord it over them," said Jesus to His disciples, 'and their leaders enslave them. But it shall not be so among you. For whoever would be first among you, let him be your servant. ... ' Here I believe Jesus was exhorting his disciples and, by inference, us, not to fall to the temptation to construct hierarchies and authoritarian structures, like the nations do, but to let all of our relationships on this earth be characterized by mutuality, respect, service and love."

I could go on with definitions and explanations of these viewpoints, but I think you know what I am talking about.

If these views are correct, then it seems to me that we should recognize and act upon an immediate and inescapable implication. In its starkest terms: to engage in studies of civil government is either, at best, to waste our time (for civil government is of no concern to us as Christians) or, at worst, to engage ourselves in an activity that is morally wrong (because we truly are, at this point, becoming entangled in "the world").

If either of these conclusions is correct—if we are either wasting our time or engaging in a morally wicked activity, then, though the civil government under which we live

may require us as homeschoolers to do an academic study of American civil government, we ought either to do such studies in the quickest, most perfunctory manner possible, or we should simply refuse to engage in the moral evil ... because we ought, indeed, to "obey God rather than men" (Acts 5:29).

I will state here that I do not agree with Jim Elliot or with the radical Anabaptists. I believe that, as the Apostle Paul says concerning governing authorities (Romans 13:1–6), civil government is "God's servant ["minister"] to do you good" and that it "bear[s] the sword" (i.e., lethal power) under God's authority and for a godly purpose (v. 4).

Having said this, I feel strongly impelled to add all kinds of caveats and limitations. But we will be discussing those matters later in the year. Please permit me simply to go on with the subject at hand.

A second problem I felt I had to overcome: the belief on the part of many—probably the vast majority of—conservative Christians in the West today that Scripture really has nothing to say about civil government in today's world. "Yes, we can find references to civil government in the Bible, but those references have no binding authority in today's world; they ought not to be studied in some vain hope that we can discover how civil government 'ought to be.' Your opinion about how government 'should' run is as good as my opinion, and our opinions are no better than the next person's."

These two problems—the belief that Christians ought not to be involved in government and the conviction that Scripture really has nothing to say to us about how civil governments ought to be run today—flow together to create a third problem.

There is a group of Christians today who claim that Christians ought to be involved in politics and ought to be willing to fight wars. Moreover, the members of this group say, the Bible has a lot to say about civil government. These people then go on to say that we ought to obey the Scriptures in what they teach us!

I have included in our Bible curriculum this year two books written by members of this latter group. The problem is, people who oppose this viewpoint (and, as I said, people who oppose this viewpoint are in a striking majority among Christians today) ...—people who oppose this viewpoint are afraid that, because I have included these books in the curriculum, I am trying to subvert their beliefs.

Let me state right here: I am Catholic enough to note that, from the early 300s until the Anabaptist movement of the mid-1500s, the Church was *universally* and *inescapably* involved in politics. Historically, it is the "apolitical" or "antipolitical" Christians who must prove their case.

On the other hand, I am Protestant enough to assert that, the prejudices and demands of various statements of faith notwithstanding, it is the *Word of God* that should direct our thinking, *not the traditions of men*.

1. Elisabeth Elliot, *Shadow of the Almighty: The Life & Testament of Jim Elliot* (San Francisco, CA: HarperCollins, 1979), p. 33.

2. *Ibid.*

The authors of the two books I have chosen for this year's Bible program, I believe, must prove their case from Scripture. If they are unable to do so, then you should ignore them. If they are able to prove their theses, however, then you need to obey what God tells you to do.

But I have chosen these men's books *not* because of their overarching theses (that the Old Testament civil laws are still, by and large, judicially binding), *but* for other reasons.

- 1) The Rev. Rousas J. Rushdoony and Dr. Gary North are two of only a very few people I know who actually try to interpret and make practical sense of the passages of Scripture (Old Testament) that talk about civil government.
- 2) They often demonstrate how Old Testament laws might be applied in our own circumstances. This makes the laws that much more understandable to us.
- 3) They present a wealth of data about actual government policies and practices throughout history both within and outside of Bible times. Since the broad purpose of our studies this year has to do with civil government and civil law, it seems to me that their scholarly contributions *outside of or beyond* the Scriptures may be extremely valuable to us.
- 4) These men challenge my thinking; I hope they will challenge yours, too. I know of few authors who get into the nitty-gritty (and I mean, often, truly *gritty*) details of how law works. They speak of broad *principles*, but they also force us to think through how those principles would/could/should impact detailed *reality*.
- 5) If YHWH is God, and He spoke in the Old Testament, then it seems to me that we today should be able to gain *some* kind of wisdom and insight from looking at His Word(s) and seeking to understand His meaning. I believe King David was correct "way back then," and his words are still valid for today: "[God's] commands make me wiser than my enemies.... I have more insight than all my teachers: for I meditate on [God's] statutes. I have more understanding than the elders, for I obey [God's] precepts" (Psalm 119:98–100). As the Apostle Paul also exhorted us: "All Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness, so that the man of God may be thoroughly equipped for every good work" (2 Timothy 3:16–17). It seems to me that we ought to gain what we can from these Scriptures. I believe Rushdoony and North can help us.
- 6) Whether you agree with these men's suggested practical applications or not, their works will cause you to think deeply about what legitimate govern-

ment policies and practices *ought* to be ... and *why*. And, at root, *that* kind of thinking is truly what this year's overarching theme is all about.

* * *

While we are on the topic of objections to North's and Rushdoony's work, let me throw in this last one.

Several parents wrote to me with more or less the same comment. More or less, they objected that they believe Rushdoony and North were seeking to "bring in God's Kingdom"—i.e., transform the world, make it holy and pure—by subjecting all the nations to God's Law. But, as one parent wrote, "by what means does God transform a stony heart into a heart of flesh, a suitable vessel for His intimate abiding presence? By means of Law or by its enforcement? I don't believe so. 'The law made nothing perfect, but the bringing in of a better hope did, by the which we draw nigh unto God' (Hebrews 7:19). 'What the law could not do, given the weakness of our flesh, God did by sending his Son ...' (Romans 8:3)."

Before we get into the text of the books, I believe I should honor the number of parents who expressed their concerns about these books the moment they saw that we were carrying them.

In the following couple of pages, I want to permit these parents to "speak their mind," as it were, about why, *specifically*, they object to Dr. North's and the Rev. Rushdoony's overarching theses. I want no one to charge me with having downplayed the significant opposition Rushdoony and North have faced (and still face) from the Christian community at large. You will find that Rushdoony and North attempt to summarize and reply to these charges within their books themselves. I would like to permit the objectors to state their objections in a fuller manner here, before we get going.

The first objection is this. From a Protestant perspective, the earliest leaders of the Protestant movement had extremely harsh things to say against the use of Old Testament law within a New Testament (i.e., modern day) context.

The following quotes come from a sermon preached by Martin Luther on August 27, 1525.³ It was sermon #29 in a series of seventy-seven sermons on the book of Exodus. The sermon was later reworked and issued as a pamphlet. The title is "How Christians Should Regard Moses."⁴

Luther was a strong believer in "natural law" (as was Calvin)—the idea that everyone has within himself an understanding of general morality and the sense that there is a God to be worshipped and obeyed. Luther taught that this is why nearly everyone everywhere is religious, though most are wrong about the gods they worship. He also taught that ideas about morality and ethics are universal:

3. I wish to thank Mrs. Corrie Marnett for providing all of the following material concerning Luther and Calvin.

4. This was the *first* published English translation of the sermon. The sermon is found on pages 161–174 of Vol. 35 of *Luther's Works*, translated by E. Theodore Bachman, edited by Helmut T. Lehmann and E. Theodore Bachman (Philadelphia: Concordia Publishing House and Muhlenberg Press, 1960).

that everyone understands that murder, adultery, stealing, lying, etc., are morally wrong.

But, argued Luther, specific rituals and rules and restrictions—such as tithing, sabbath-keeping, animal sacrifices, food laws, and the like—are *not* based on universal morality, but instead, are based on direct revelation from God. No one would have been obligated to do any of these things unless God had told them to, and God only told the *Jews* to do so.

The *other* commands—the ones concerning “morality”—are universal and universally understood, without the necessity of the law of Moses to teach anyone about them.

Here are some excerpts from the sermon:

Now the first sermon, and doctrine, is the law of God. The second is the gospel. These two sermons are not the same. Therefore we must have a good grasp of the matter in order to know how to differentiate between them. We must know what the law is, and what the gospel is.

The law commands and requires us to do certain things. The law is thus directed solely to our behavior and consists in making requirements. For God speaks through the law, saying “Do this, avoid that, this is what I expect of you.”

The gospel, however, does not preach what we are to do or to avoid. It sets up no requirements but reverses the approach of the law, does the very opposite, and says, “This is what God has done for you; he has let his Son be made flesh for you, has let him be put to death for your sake.”

So, then, there are two kinds of doctrine and two kinds of works, those of God and those of men. Just as we and God are separated from one another, so also these two doctrines are widely separated from one another. For the gospel teaches exclusively what has been given us by God, and not—as in the case of the law—what we are to do and give to God.⁵

THE LAW OF MOSES BINDS ONLY THE JEWS AND NOT THE GENTILES

Here the law of Moses has its place. It is no longer binding on us because it was given only to the people of Israel. And Israel accepted this law for itself and its descendants, while the Gentiles were excluded. To be sure, the Gentiles have certain laws in common with the Jews, such as these: there is one God, no one is to do wrong to another, no one is to commit adultery or murder or steal, and others like them. This is written by nature into their hearts; they did not hear it straight from heaven as the Jews did.

This is why this entire text [the law in *Exodus*] does not pertain to the Gentiles.... [The enthusiasts] desire to govern people according to the letter of the law of Moses, as if no one had ever read it before. But we will not have this sort of thing. We would rather not preach again for the rest of our life than to let Moses return and to let Christ be torn out of our hearts. We will not have Moses as ruler or lawgiver any longer. Indeed God himself will not have it either.

Moses was an intermediary solely for the Jewish people. It was to them that he gave that law. We must therefore silence the mouths of those factious spirits who say, “Thus says Moses,” etc. Here you simply reply: “Moses has nothing to do with us. If I were to accept Moses in one commandment, I would have to accept the entire Moses. Thus the consequence would be that if I accept Moses as master, then I must have myself circumcised, wash my clothes in the Jewish way, eat and drink and dress thus and so, and observe all that stuff.”

So then, we will neither observe nor accept Moses. Moses is dead. His rule ended when Christ came. He is of no further service.

That Moses does not bind the Gentiles can be proved from *Exodus* 20:1, where God himself speaks, “I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage.” This text makes it clear that even the Ten Commandments do not pertain to us. For God never led us out of Egypt, but only the Jews.

The sectarian spirits want to saddle us with Moses and all the commandments. We will just skip that. We will regard Moses as a teacher, but we will not regard him as our lawgiver—unless he agrees with both the New Testament and the natural law. Therefore, it is clear enough that Moses is the lawgiver of the Jews and not of the Gentiles.⁶

Again one can prove it from the third commandment that Moses does not pertain to Gentiles and Christians. For Paul [Col. 2:16] and the New Testament [Matt. 12:1–2; John 5:16; 7:22–23; 9:14–16] abolish the sabbath, to show us that the sabbath was given to the Jews alone, for whom it was a stern commandment. The prophets referred to it too, that the sabbath of the Jews would be abolished.⁷

It is true that God has commanded this of Moses, and spoke thus to the people; but we are not that people. God spoke also to Adam, but that does not make me Adam. God commanded Abraham to put his son to death, but that does not make me Abraham and obligate me to put my son to death.

God spoke also with David. It is all God’s word. But let God’s word be what it may, I must pay attention, and understand to whom God’s word is addressed. You are still a long way from being the people with whom God spoke. The false prophets say, “You are that people; God is speaking to you.” You must prove that to me.⁸

One must deal cleanly with the scriptures. From the very beginning the word has come to us in various ways. It is not enough simply to look and see whether this is God’s word, whether God has said it; rather we must look and see to whom it has been spoken, whether it fits us. That makes all the difference between night and day....

The word in scripture is of two kinds; the first does not pertain or apply to me, the other kind does. And upon that word which does pertain to me I can boldly trust and rely, as upon a strong rock. But if it does not pertain to me, then I should stand still.⁹

One must distinguish well whether the word pertains to only one or to everybody.... Thus what God said to Moses by way of commandment is for the

5. *Ibid.*, p. 162.

6. *Ibid.*, pp. 164–165.

7. *Ibid.*, p. 165.

8. *Ibid.*, p. 170.

9. *Ibid.*

Jews only. But the gospel goes through the whole world in its entirety; it is offered to all creatures without exception.¹⁰

* * *

John Calvin, too, has several things to say about Old Testament law that sound much the same. The following quotations are from his *Institutes of the Christian Religion*¹¹

I shall in but a few words, and as in passing, note what laws can piously be used before God, and be rightly administered among men.

I would have preferred to pass over this matter in utter silence if I were not aware that here many dangerously go astray. For there are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish.

We must bear in mind that common division of the whole law of God published by Moses into moral, ceremonial, and judicial laws. And we must consider each of these parts, that we may understand what there is in them that pertains to us, and what does not.¹²

Equity, because it is natural, cannot but be the same for all, and therefore, this same purpose ought to apply to all laws, whatever their object. . . .

It is a fact that the law of God which we call the moral law is nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men. Consequently, the entire scheme of this equity of which we are now speaking has been prescribed in it. Hence, this equity alone must be the goal and rule and limit of all laws.

Whatever laws shall be framed to that rule, directed to that goal, bound by that limit, there is no reason why we should disapprove of them, howsoever they may differ from the Jewish law, or among themselves.

God's law forbids [many different offenses]. The penalties [for these offenses] in the Jewish state are to be seen in [Scripture]. . . . Against [these same offenses] some nations levy severer, others, lighter punishments. Yet we see how, with such diversity, all laws tend to the same end. For, together with one voice, they pronounce punishment against those crimes which God's eternal law has condemned, namely, murder, theft, adultery, and false witness. But they do not agree on the manner of punishment. Nor is this either necessary or expedient. . . . There are ages that demand increasingly harsh penalties. If any disturbance occurs in a commonwealth, the evils that usually arise from it must be corrected by new ordinances. In time of war, in the clatter of arms, all humanness would disappear unless some uncommon fear of punishment were introduced. In drought, in pestilence, unless greater severity is used, everything will go to in. There are nations inclined to a particular vice, unless it be most sharply repressed. How malicious and hateful toward public welfare would a man be who is offended by such diversity, which is per-

fectly adapted to maintain the observance of God's law?

For the statement of some, that the law of God given through Moses is dishonored when it is abrogated and new laws preferred to it, is utterly vain. For others are not preferred to it when they are more approved, not by a simple comparison, but with regard to the condition of times, place, and nation; or when that law is abrogated which was never enacted for us for the Lord through the hand of Moses did not give that law to be proclaimed among all nations and to be in force everywhere; but when he had taken the Jewish nation into his safekeeping, defense, and protection, he also willed to be a lawgiver especially to it; and—as becomes a wise lawgiver—he had a special concern for it in making its laws.¹³

With all of these words and more, I have been warned: the views of the Rev. Rousas John Rushdoony and Dr. Gary North are clearly in the minority among Christians today.

Having been warned—and now with *you* having been warned—I want to proceed with our studies.

Keep in mind the dissenting opinions (Rushdoony and North will refer to them often in their books!), and consider for yourself what the Scriptures say and whether there is something of value to be gained by studying the Old Testament civil laws and comparing them to the civil government under which we live today.

Dr. North challenges us: "If Caesar gets converted to Christ, should he change his ways? If not, why not? If the answer is 'yes,' then *there must be God-required ways for Caesar to change*. . . . [I]f there are no God-required standards of righteousness in politics, then there can be no historical judgment by God over politics. If God has imposed *no law* over something, then He exercises *no jurisdiction* over it. God does not hold anyone responsible for what [s/he] does if He has not placed that person under the specific terms of His covenant. The Bible is quite clear on this point: ' . . . sin is not imputed when there is no law' (Romans 5:13b). So, if we argue that men are responsible for their evil deeds as politicians, then we must also accept the fact that *there must be God-given standards of righteousness that they have violated*."¹⁴

I hope you will be as inspired as I have been by these men's books to study diligently, think deeply, and pray fervently about the true meaning, purpose, and practical application of the word of God. ■

10. *Ibid.*, p. 172.

11. John T. McNeill, ed., *Calvin: Institutes of the Christian Religion* (Philadelphia, PA: Westminster Press, 1960)

12. *Ibid.*, IV:XX:14.

13. *Ibid.*, IV:XX:16.

14. Gary North, "Editor's Introduction," in George Grant, *The Changing of the Guard* (Ft. Worth, TX: Dominion Press, 1987), pp. xiv–xv.

Introductory Comments

In his book, *Tools of Dominion*, (pp. 97–99), North tells us that Rushdoony subsumes virtually all the case laws of the Old Testament under one of the Ten Commandments. North himself would prefer that we recognize that quite a few case laws can be subsumed under more than one each of the Ten Commandments, but he points out that the case laws are, indeed, detailed *examples* or *illustrations* of what the more general Ten Commandments are really all about.

With that in mind, please pay attention to “where you are” as you read Rushdoony’s book. All of his comments in each section are at least moderately related to one of the Ten Commandments. Before you begin reading, you may want to remind yourself of what the subject for the day really is. In today’s reading, Rushdoony is trying to explain one of what he believes is a further important point related to the Second Commandment. And do you remember what the Second Commandment is all about? It is the one that tells us not to make idols and not to worship or bow down to them.

pp. 88–95

Vocabulary Development

Turning to such instances, first, the **ephod** and the **breastplate** of the high priest is of significance. (**ephod**: a vestment worn by ancient Hebrew priests; **breastplate**: a square piece of cloth set with 12 precious stones representing the 12 tribes of Israel worn over the breast by ancient high priests)

Questions and Comments

1. What is the problem with the idea of total toleration? ➡ *it means anarchy—no law!*
2. According to Rushdoony, what is the difference between a sinner and an enemy of the law? ➡ *a sinner was to bring an offering to God’s house; an outlaw was forbidden from bringing such a gift*
3. Rushdoony believes that Scripture makes a sharp and very important distinction between prostitution and the practice of homosexuality. What distinction does he think he sees? ➡ *prostitutes, he says, are still considered human beings, but practicing homosexuals are called “dogs”—i.e., not even worthy of being called human*
4. He goes on to say something about criminals and citizenship. What is that? ➡ *that, in societies that are influenced by Scripture, criminals have always been considered outcasts from society, no longer worthy of citizenship, without legal existence*

5. Rushdoony says there are three ways in which a society may regard outlaws and dissenters. What are they? ➡ *1) as having no rights before the law; 2) as having special rights before the law; 3) as innocent until proven guilty*
6. Rushdoony says law is a form of warfare. In what sense does he say this is true? ➡ *in the sense that law establishes a certain order and it wages warfare against anything and everything that seeks to upset that order*
7. Do you agree or disagree that this is the way things are? Why? Do you agree or disagree that this is the way things should be? Why?

pp. 96–100

Vocabulary Development

In biblical law, neither **equalitarianism** nor an **oligarchy** have any standing. (**equalitarianism**: the doctrine of the equality of mankind; **oligarchy**: government by a few)

... **eunuchs** were excluded, whether eunuchs by an accident or by act of man. (*castrated men*)

Questions and Comments

8. Rushdoony quotes from James M. Gray’s *Limitations of the Taxing Power Including Limitations upon Public Indebtedness*. In the major quote on p. 98, Gray makes a number of claims about the limits of legitimate governmental powers. Discuss what Gray says and whether you agree with him or not ... and why. ➡ *because that would mean absolutely no court of law would be possible. I cannot keep myself from at least noting this: I absolutely disagree that “the institution of property ... depend[s] upon the existence of the state.” Property existed—and had a moral right to exist—long before any modern concept of “state” came along—and people who live beyond the borders or practical reach of a modern state will own and utilize their personal property without the aid or the hindrance of the state*
9. Rushdoony distinguishes between residency and citizenship. 1) What is the difference between these two concepts? 2) Do you think the distinction is legitimate and ought to be maintained, or should it be abolished? Why? 3) What is the general attitude toward citizenship in the United States today? Do you agree with that attitude or disagree, and why?
10. Rushdoony says, “The heresy of democracy has ... worked havoc in church and state, and it has worked towards reducing society to anarchy.” Do you agree? Disagree? Why?

Questions and Comments

130. Rushdoony says that the Old Testament dietary laws were meant as *principles* of life, but people normally view them as *restraints* upon life. What does he mean by this? ➔ *that we should gain direction both for good health and for honoring God, but we ought not to view these laws as somehow restricting our ability to enjoy life; indeed, we ought to enjoy our food and not approach it as somehow something we ought to abstain from as much as possible*
131. Is there biblical warrant for abstaining from meat? Is there biblical warrant for opposing a radical vegetarianism (i.e., for opposing someone who says, say, that “Jesus was a vegetarian” or that, to follow the principles of Scripture, you ought to be a vegetarian)? If so, on what grounds? If not, what do you do with Genesis 9:3 and 1 Timothy 4:1, 3?
132. What are the main “rules” concerning foods that the Jews were forbidden to eat? ➔ *blood; animals that are found dead; animal fats; scavenger animals and the parts of non-scavengers that, as Rushdoony expresses it, “scavenger” the body’s wastes and poisons (kidneys, especially, though portions of the liver, too); carnivorous animals*
133. Rushdoony says that “the dietary laws are not legally binding on us, but they do provide us with a principle of operation [a moral rule].” What does he mean by this? ➔ *the civil government has no business entering into judgment over us if we fail to follow these rules, but we ourselves would be well-served to obey them as we do other moral rules of conduct*

pp. 302–308

Questions and Comments

134. According to Rushdoony, in what sense is the law dead—or even wrong—and in what sense does it still stand? ➔ *1) the law as a death sentence is “dead” (i.e., inoperative) once we have died in Christ and are recipients of His new life; 2) the “ceremonial” aspects of the law—those portions that pointed in unique ways toward Christ (the sacrificial and priestly laws)—have been replaced; 3) the civil and moral aspects of the law are still in force; 4) the law is (and always has been) useless as a means of justification or salvation; 5) the law is very useful as a means of sanctification: it provides a measuring stick and guideline; 6) it is sinful to use the law as a means of salvation*
135. What does Rushdoony believe an attitude or belief in “salvation by law” leads to? ➔ *totalitarianism, statism*
136. According to Rushdoony, what is law good for? ➔ *to reveal God’s holiness—His separateness or “other” ness; to reveal God’s righteousness—that which is just and good; to provide a standard by which we can measure our own*

conformity to God’s ways—i.e., as a means of revealing our sanctification (or lack thereof)

137. Do you think the ceremonial law can be—and/or ought to be—distinguished from the civil and moral aspects of the Old Testament law? Why or why not? What about civil from moral law?⁷
138. In what sense do you believe the Old Testament law is dead or alive, useful or useless? And why? (We will come back to this question several times over the course of the year, I’m sure!)
139. Rushdoony attacks the traditional Pentecostal doctrine of perfectionism. Why? Do you think his criticisms are legitimate? Why or why not?
140. What do you think of Rushdoony’s argument that “When God the Father regarded the law as so binding on man that the death of God’s incarnate Son was necessary to redeem man, He could not regard that law as something now trifling, or null and void, for man”?

Work: pp. 308–312

Questions and Comments

141. Rushdoony says that “[w]ith the fall came a curse on man’s work, but work is not a curse.” Explain what he means and why he says this.
142. On what grounds does Rushdoony say that “work ... is a religious and moral necessity”?
143. Rushdoony makes rather lengthy references to the Hutterites and work. What does he say about the Hutterites? ➔ *that, as a result of their culture of work, they suffer far fewer psychological difficulties than do other populations in the United States today*
144. On what grounds does Rushdoony object to the idea that true freedom involves freedom from work? ➔ *he goes into a rather long excursus about actors, actresses, and make-believe, but his primary point is this: it is our responsibility under God to advance God’s kingdom; and to extend His rule and to honor His Name, we must work; that is part of what it means to be properly obedient to God; work is what enables us to fulfill our purpose on earth*

The Amalekites and Godly Warfare: pp. 312–318

145. **Summary:** Why do you think Rushdoony talks about the Amalekites the way he does? What “lessons” do you take away from today’s reading?

7. My own two cents on this one: it is clear that most (all?) of the case laws included civil sanctions, others—primarily the Ten Commandments—included no specific civil sanctions. Those laws that include no civil sanctions are what we would call “moral” laws: they point to the right way, God’s way. But they do not tell the civil government what to do. Similarly, in the New Testament, we find Jesus preaching the moral law (“he who looks at a woman with lust” is under God’s condemnation). I find it interesting that He seems to take the civil/case laws as the basis for His moral preaching.

318. Do you think it is true, as some say, that you cannot legislate morals? Why or why not?
319. Do you agree with Rushdoony's statement that if men will not obey God, they will not obey men? Why or why not? What is the point of his statement? ➔ *that God and his law-word must be central in any society for law to have any power*

The Procedure of the Court: pp. 622–625

Questions and Comments

320. In your opinion, what would be modern counterparts to, and what are the implications of each of the following nine aspects of Israel's court, as described by Rushdoony? 1) the location of the court at the city gates; 2) mandatory written records; 3) prohibition of contempt; 4) the requirement of oaths; 5) the right to appeal to the highest court of the land; 6) no trials on the Sabbath; 7) the right to a speedy trial; 8) the highest office in the land was inseparable from the judicial system; 9) the active concern of the judge to bring God's justice to bear on every situation in court.

The Judgment of the Court: pp. 625–628

Questions and Comments

321. Do you agree with Rushdoony that in biblical law the judgment of the court is the judgment of God, whenever faithfully delivered? Why or why not? Do you consider the judgment of the courts of your land to be the judgment of God? Why or why not?
322. Rushdoony says that God wrote his word in large measure for judges. Do you think he is right? Why or why not? How would you reconcile his statement with the words of John in John 20:30–31?
323. According to Rushdoony, Scripture declares that judges are true judges only if they are faithful to God's law. Do you agree? Why or why not? Can you give an example of Rushdoony's point that a judge may be legitimate and still not be a person of integrity? ➔ *many examples of such judges can be found in Scripture, including the officials who condemned Jesus to die on the cross; they were legitimate rulers, but not people of integrity*
324. Do you think you are obligated to follow legitimate leaders whether or not they are people of integrity? Why or why not?
325. What is Rushdoony's point in the illustration about Al Capone?¹⁵ ➔ *Al Capone was concerned about law and order as long as it did not interfere with his unlawful activities, which, according to Rushdoony, is characteristic of most reform movements*

15. To read Al Capone's history, go to: www.chicagohs.org/history/capone.html.

326. What do you think: are most reform movements unlawful? According to Rushdoony, where does true reform begin?¹⁶ ➔ *with regeneration and then submission of the believer to the whole law-word of God*
327. Can you think of any modern politicians who want to apply the law to everyone but themselves?

The Law in Force: pp. 636–639

Vocabulary Development

... its principle of gaining wealth will increasingly become **expropriation**. (*depriving an owner of property by taking it for public use*)

Questions and Comments

328. According to Rushdoony, what are some sins as stated in the Sermon on the Mount (see Matthew 5, 6, 7) that are not within the scope of civil law? ➔ *hate; lust*
329. Can you think of others? According to Rushdoony, when do these matters of the heart come into the scope of civil law? ➔ *when they show themselves in action*
330. Can you give an example? ➔ *when hatred becomes murder*
331. Do you agree with Rushdoony that failure to pay debts is a form of theft and perjury? Why or why not?
332. According to Rushdoony, how can a company defraud an individual? ➔ *through the fine print in dishonest contracts*
333. According to Rushdoony, why and how can such contracts be dishonest? Can you give some examples of dishonest contracts? ➔ *because they take advantage of individuals who are not knowledgeable enough to know the pitfalls of the contract; they use a form of deception*
334. Do you agree with Rushdoony that the reforms of a state which denies God are no more to be trusted than the reforms of a man with a gun in his hand who robs you of your money? Why or why not?
335. Rushdoony says that a society established on a lawless, anti-God foundation will inevitably make civil covetousness a way of life. What does that mean? Do you think he is correct? Why or why not? What do you think will be the outcome of such a society?

pp. 651–655

Questions and Comments

336. According to Rushdoony, why did Luther denigrate the value of the law in a Christian's life? ➔ *in order to elevate the doctrine of justification—i.e., salvation—by faith, faith alone*

16. Jesus condemned the Pharisees of his day on this very point (see: Matthew 23:1–4).

337. Why is Rushdoony convinced that the “Great Exhortation” of Leviticus 26:3–45, though addressed to Israel, can be (or, actually, *is*) applicable to Christians today? ➡ 1) *for the same reason that the Sermon on the Mount and the letters to the various churches are applicable to Christians today*; 2) *because, according to Hebrews 12:18–29, God will judge the world in the same way He judged Israel*; 3) *because of the manner in which Old Testament law is referenced as authoritative authentication of a New Testament message (see, for example, 1 Cor. 9:9 and 1 Tim. 5:18): the Apostle did not merely restate Old Testament law, but referred to it as proving the validity of his advice*

pp. 679–684

Questions and Comments

338. What is Melancthon’s view of “the law of nature”? ➡ *it is “a common judgment to which all men give the same consent”; a judgment that “is suitable for the shaping of morals”*
339. Rushdoony vociferously denies Melancthon’s viewpoint. Why? ➡ 1) *because, according to Romans 1:18, unregenerate man “suppresses the truth of God in unrighteousness”*; 2) *because some of Melancthon’s so-called “natural” laws were really Scriptural laws*; 3) *because some of his “natural” laws (such as the idea that “nobody must be harmed” or that “those who disturb the public peace ... must be ... taken away”) would hurt the Christian religion and would have been used against the preaching of the Gospel in the first place*; 4) *because, if Melancthon is correct, then God saves men so that we can live according to nature’s law rather than according to God’s law (and that doesn’t make much sense: how, then, is God a great King?)*; 5) *because this “natural” law is based on Plato and other pagan sources, not on the Bible*; 6) *because it makes us subject to totalitarian governments*; 7) *because it replaces the world in which we see things interpreted according to God’s word with a world in which we see things interpreted in some “neutral,” “brute factual” manner*

Condensed Version

Page 681: next to last line, **add** the following *italicized* text: “The main purpose of God’s law through Moses, according to Melancthon, would appear to be...”

Page 682: second line, after “... God to nature,” **add** the phrase, *Some further foolishness*: and then **note** where, logically, Rushdoony meant to break the statements that follow. *One* piece of foolishness was the idea that “The law demands impossible things ...” (etc.). *Another* piece: “Some of the Anabaptists practiced what Melancthon preached but were only damned by Melancthon for it.” And a *third* piece: “The Spirit leads Christians ‘to do the law’ even though the law is now abrogated! (The Holy Spirit is thus obviously more law-minded than Melancthon.)”

Page 684: End *before* the next-to-last complete para, i.e., *before*: “The only tenable approach to the laws...”

pp. 684–686

Questions and Comments

340. To what does Rushdoony object about natural law philosophy? ➡ 1) *it rests not on God or on God’s law, but on compromise; the basis of authority, then, is relativism, not truth*; 2) *if natural man can work out a universal law, then he doesn’t (i.e., we don’t) need God*; 3) *the source of law in any system is that system’s god; if man is the source of law, then man is god*

pp. 689–693

Vocabulary Development

... godly men will **mediate** that law to each new generation ... (*act between parties*)

Questions and Comments

341. What does *tora* mean? ➡ *instruction, teaching, direction*
342. According to Rushdoony, what is the duty of a person or agency that mediates God’s *tora* to a child or any person under that person’s or agency’s authority? ➡ *to faithfully apply it; i.e., to faithfully show how it is supposed to be worked out in day to day life*
343. What do you think?
344. “[T]o pray to the God whose direction we despise is to add insult to our offenses.” Do you agree? Disagree? Why?
345. **Summary:** How does Rushdoony compare the word *tora* and Jesus’ claim that He is “the way.” Do you think Rushdoony may have a point, or is he just blowing smoke?

pp. 698–702

Questions and Comments

346. According to Rushdoony, in what way(s) did Christ “[declare] afresh the validity of the law and His purpose to put it into force”? ➡ *by speaking of God’s judgment and wrath on the basis of law; by responding to Satan’s temptations by use of the law; by identifying Himself, through the Sermon on the Mount, as the “second Moses,” the “Lawgiver”; by actually strengthening the impact of the law*

pp. 702–706

Questions and Comments

347. According to Rushdoony, why must John 8:7 not mean that “he who is *sinless* should cast the first stone”?

348. Rushdoony distinguishes civil and religious condemnation and forgiveness. How and why does he make these distinctions? ➔ *he says there is a distinction between what is legally and what is morally wrong; that distinction is at the root of the distinction between civil and religious condemnation and forgiveness*

349. **Discuss:** Do you agree with Rushdoony's distinction? Why or why not? (Possible helpful "hints" for your discussion: Should there be civil penalties against rape? Why or why not? Should there be civil penalties against a man looking lustfully at a woman? Why or why not?)

pp. 718–723

Vocabulary Development

He had the **maieutic** purpose with his questioners. He wanted to deliver them, in the Socratic manner, not a **priori**, but a **posteriori**. (**maieutic**: of or relating to the dialectic method practiced by Socrates in order to elicit and clarify the ideas of others; **priori**: reasoning from mere examination of ideas alone; **posteriori**: proved by induction from facts obtained by observation or experiment)

Questions and Comments

350. Why were the coins that Pilate issued obnoxious to the Jews? ➔ *because of Roman religious symbols—the priest's staff or sacrificial bowl*
351. What do you think of the idea that, because Judea was living within the Roman Empire and receiving certain services—even though it didn't want them—therefore it owed Rome a tax?
352. Rushdoony concludes, "Those who reduce this great sentence of Christ's [i.e., "Render to Caesar the things that are Caesar's, and unto God the things that are God's"] to a declaration about church and state have missed the point of the incident." What is the point of the incident?

pp. 730–735

Vocabulary Development

"... all these Levitical regulations (concerning foods) had been **abrogated**." (*done away with, annulled*)

Questions and Comments

The quoted text at the top of page 731 is rather unclear, especially once you hit items #4–7. Items #1–3 are full sentences; items #4–7 are not. In order to make items #4–7 "make sense," begin each partial sentence with an assumption of the verbiage from the bottom of page 730: "We see that the laws from the Mosaic dispensation are more fully and perfectly expressed in the New Testament. The New Testament is a more perfect dispensation of the knowledge of the moral will of God ... (4) By all overt acts being.... (5) By being connected.... (6) By having.... (7) By the higher sanctions...."

353. Rushdoony quotes Watson at some length concerning how the Old Testament law was not superseded but, rather, granted "more intensive and wider application." What evidence did Watson use in order to attempt to prove his point? Do you agree with him? Why or why not?
354. Rushdoony makes a big deal about the distinction between law being used to *justify* as opposed to *sanctify*. Do you think the distinction is valid? Why or why not?

pp. 735–738

Questions and Comments

355. What is Rushdoony's main point? Do you agree with him? Why or why not? ■

Tools of Dominion: The Case Laws of Exodus

pp. 27–30, 36–41

Questions and Comments

1. According to North, what is casuistry? ➔ *the application of conscience to moral decisions*
2. Why does North urge us to look at biblical law? ➔ *because the conscience needs a reliable guide concerning righteousness and he believes the Old Testament law(s) provide this*
3. At this point in time, do you agree with him? To what extent do you or do you not agree? Why?
4. According to North, what are three reasons Christians don't study the case laws of the Old Testament? ➔ *1) because they believe the Old Testament law has been annulled and is, therefore, inapplicable today; 2) because they believe the laws are so old-fashioned they have no useful wisdom for us today; 3) because they believe the laws are really not from God, but have been borrowed from other ancient Near Eastern cultures*
5. Why does North think the concept of "natural law" is insufficient and/or unbiblical? ➔ *1) because there is no such thing as a universal system of rational natural law; 2) because if (without Christ) we are still condemned by the law, then that means the law is still valid and authoritative*
6. According to North, how or why does the concept and reality of God's Kingdom require Christians to live under and preach the validity of God's law? ➔ *because he believes that there are only two possible kingdoms under which we can live: God's or Satan's; as he puts it, "Kingdom" is an inescapable concept. It is never a question of kingdom vs. no kingdom; it is always a question of whose kingdom." God's kingdom—i.e., God's authority and jurisdiction—encompasses all of civilization, not just individual human lives and the Church, but every aspect of society: education (i.e., schools), business affairs (economics), politics (the state), law ... everything*
7. What do you think of these ideas?
8. Does North believe that politics has to do with "bringing in the Kingdom of God"? If so, how? If not, why not? ➔ *I believe he would say politics is related to God's Kingdom in that the advance of God's Kingdom will affect politics, but he vociferously denies that politics will, itself, advance God's Kingdom; God's Kingdom must be advanced, as he says, through "salvation which is supernaturally imparted"*
9. According to North, which comes first (which ought to come first): political change or personal repentance and salvation? ➔ *the personal transformation, absolutely*

10. So why does North stress politics? ➔ *because that happens to be of interest to him; other Christians focus, say, on biblical counseling, or biblical family life, or biblical ways of conducting the affairs of the church; North believes it is appropriate for some people—him—to focus on biblical law and politics*

11. **Discuss:** Do you think there is a legitimate place for "biblical law and politics"? Why or why not?

pp. 42–48

Questions and Comments

12. North claims that most Christians agree with humanists about what? ➔ *that the Bible offers no specific legal standards by which to reform or reconstruct society*
13. Why is North concerned about the issue of slavery, sons (grown sons) who are "out of control," and Old Testament laws having to do with stoning people?
14. North seems rather strongly in favor of not just "the death penalty," but stoning. Why? ➔ *because it points to God's ultimate judgment; because it images God's promised judgment against Satan*
15. Why does North object to private execution? ➔ *because it is unjust to the convicted criminal (removes his ability to make a public statement—whether of protest or apology) and it is unjust to the surviving victims (who do not get to see justice served in public)*
16. Why does North think public stoning is particularly good from a social perspective? ➔ *because it forces all members of the community to participate and to accept responsibility for the execution of justice*
17. Why does North object to imprisonment as a form of punishment? ➔ *1) because it restores nothing to the victim; 2) because the prisoner does virtually nothing of value to society (let alone to the victim) or to him- or herself*
18. North says that for Christians to avoid trying to deal with "every jot and tittle" of the Old Testament law means what? ➔ *to turn over the running of the world to pagan humanists*
19. What do you think? Is he correct? Is this a problem?

pp. 48–54

Condensed Version

Page 51: stop at break, then pick up again six lines below the subhead: "Christian people are required to take dominion..."

Vocabulary Development

God exercises total **jurisdiction**. (the right and power to interpret and apply the law)

Questions and Comments

20. What did Thomas Paine teach about the Bible? ➡ *that it was the word of a demon*
21. What did Marcion (ca. 85–160) teach? ➡ *that the Bible really reveals two gods: one in the Old Testament who was really quite evil; and one in the New Testament who was exceedingly kind and loving*
22. North takes a shot at dispensationalism; why? ➡ *because it offers no help for the practical issues that face world leaders*
23. Many people feel that God's laws are harsh. North says they are merciful compared to unpunished sin. What do you think?
24. On what grounds does North claim that New Testament law is actually more stringent than Old Testament law?
25. According to North, what are the four covenants under God? (Put another way: who is permitted to take an oath and make a covenant before God?) ➡ *a person, a family, a church, and a society*¹
26. North claims that the church, the state, and the family are all God-ordained institutions. As such, each and every one of these institutions is supposed to be run according to God's law. Do you agree? Disagree? Why?
27. How would you respond to North's argument that, in the same way God (appropriately) rules the family, and in the same way God (appropriately) rules the church, so it is appropriate for God to rule in civil governmental affairs?

Note: North quotes Ronald Wells' criticism of "Calvinists" (which might just as well be aimed at Christian Reconstructionists): "one sees Calvinists in power as triumphal and dictatorial.... Calvinists in power have wielded that power oppressively." He then (cleverly) avoids the criticism and levels one of his own against Wells and his fellow "neo-evangelical academic critics." He suggests that Wells (a professor at a private Christian college) is afraid for his job because the Reconstructionists would dismantle the centralized government....

Let me say here that I am not impressed with North's response. He should have answered the criticism.

1. I want to note here: North and Rushdoony seem to be sloppy in their interpretation of the Greek word *ethne* (translated as *nations* in English): "Make disciples of all the *ethne*," says Jesus in Matthew 28:19. But what are these "nations"? Are they equivalent to modern nation-states? No! Look at the Greek root: *ethne*; *ethnic* is our modern English equivalent. Jesus was talking about all the *ethnic groups* in the world, all the *peoples*, not about nation-states. Still, I, personally, think the question remains: how shall or should the governments of all the nations—whether mini-ethnic groups or large nation-states—be run? Does the Bible offer help?

The fact is, Calvinists *have* been dictatorial and, depending on your opinion about things, they have been oppressive.

We have just finished *The Scarlet Letter*, and no matter how false Hawthorne's description of the Puritans, the truth is that if you disobeyed their laws, you could expect to suffer the consequences. Among their laws were these:

Heresy, which is the maintenance of some wicked errors, overthrowing the foundation of the Christian religion, which ... if it be joined with endeavor to seduce others thereunto, [is] to be punished with death....

Whosoever shall revile the religion and worship of God, and the government of the church, as it is now established, [is] to be cut off by banishment.

Reviling of the magistrates ... to wit, of the governors and council, [is] to be punished with death.²

Of course, these laws were written over 350 years ago and laws everywhere in Europe were similarly harsh. It is also true that they rarely enforced these laws with the same vigor with which they enforced the laws, say, against murder.

Still, it would be wise of us to consider whether or not we would want to live under such a system.

Example: what "wicked error" that could "overthrow the foundation of the Christian religion" might merit a death sentence? Moreover, what kind of behavior merits being called an "endeavor to seduce others"?

In today's Christian homeschooling community, there is a large number of people who loudly and strenuously proclaim that young-earth creationism is a fundamental, supporting pillar of Christian faith. In other words, if I understand them correctly, if you question young-earth creationism, you are attacking the very root of Christian faith.

As most customers of Sonlight Curriculum, Ltd. know, I used to be a firm believer in and advocate for a young-earth perspective. But then some fellow Christians raised some serious questions for which I had no answers. I was caused to question the young-earth position myself. Having endured the attacks of people who are convinced I myself am a heretic, I have to begin to wonder: by telling other people about the reasons for my doubts about young-earth creationism, would I be liable to the death penalty if we were living in a Christian Reconstructionist theocracy?

I am sure Ann Hutchinson, whom we mentioned in Week 1 in regard to *The Scarlet Letter*, was banished from the Massachusetts colony based on the second of these three laws.

The following poem by Whittier has to do with just one of many cases of relatively mild religious persecution in Massachusetts in the 1600s. It tells the story of Margaret Brewster, a Quaker, who, on July 8, 1677, went with four

2. From John Cotton, *An Abstract of the Laws of New England, as They Are Now Established*. Printed in London in 1641. Reprinted in *The Journal of Christian Reconstruction*, Vol. V, No. 2, Winter 1978–79, pp. 82–94. The specific laws I have referenced are from the Abstract's Chapter VII; the first is #5, the second is #8, and the last is #14.

other Friends³ into the (Puritan/Congregational) South Church during one of their meetings. She went “in sackcloth, with ashes upon her head, barefoot, and her face blackened,” and delivered “a warning from the great God of Heaven and Earth to the Rulers and Magistrates of Boston.” For the offence she was sentenced to be “whipped at a cart’s tail up and down the Town, with twenty lashes.”⁴

In the “Old South”

by John Greenleaf Whittier (1877)

SHE came and stood in the Old South Church,
A wonder and a sign,
With a look the old-time sibyls wore,
Half-crazed and half-divine.

Save the mournful sackcloth about her wound,
Unclothed as the primal mother,
With limbs that trembled and eyes that blazed
With a fire she dare not smother.

Loose on her shoulders fell her hair,
With sprinkled ashes gray;
She stood in the broad aisle strange and weird
As a soul at the judgment day.

And the minister paused in his sermon’s midst,
And the people held their breath,
For these were the words the maiden spoke
Through lips as the lips of death:

“Thus saith the Lord, with equal feet
All men my courts shall tread,
And priest and ruler no more shall eat
My people up like bread!

“Repent! repent! ere the Lord shall speak
In thunder and breaking seals!
Let all souls worship Him in the way
His light within reveals.”

She shook the dust from her naked feet,
And her sackcloth closer drew,
And into the porch of the awe-hushed church
She passed like a ghost from view.

They whipped her away at the tail o’ the cart
Through half the streets of the town,
But the words she uttered that day nor fire
Could burn nor water drown.

And now the aisles of the ancient church
By equal feet are trod,
And the bell that swings in its belfry rings
Freedom to worship God!

And now whenever a wrong is done
It thrills the conscious walls;
The stone from the basement cries aloud
And the beam from the timber calls.

There are steeple-houses on every hand,
And pulpits that bless and ban,
And the Lord will not grudge the single church
That is set apart for man.

For in two commandments are all the law
And the prophets under the sun,
And the first is last and the last is first,
And the twain are verily one.

So long as Boston shall Boston be,
And her bay-tides rise and fall,
Shall freedom stand in the Old South Church
And plead for the rights of all!

We could go on with our critical look at the laws adopted by the Puritans in Massachusetts. Certainly, there are reasons for concern when people can, possibly, be banished or whipped for holding contrary opinions about matters of worship or even (possibly?) for holding divergent opinions about how or when the world was created.

But having demonstrated, I hope, the potential downside of a Christian Reconstructionist theocracy, I must point out that the alternative to Christian Reconstructionism is not *nothing*. *Someone* will rule. The question is *who*?

And while we may stand aghast at what Christian leaders have done in the past—and, indeed, at what some do today in their own churches—we ought also to look at what the supposedly kindhearted humanist politicians are giving us in the way of government today, for, as North is so happy to remind us: it is not a question of law or no law; it is a question of *whose* law. And we must decide. We cannot avoid the decision. Whose law do we want? Whose law do *you* want?

Do you want to live under a legal system in which a man can be arrested, fined several hundred thousand dollars, and thrown in jail because he refused to pay for a permit to farm his land?

Is it your desire to live under a government that honors 114 INS agents for their “bravery” in using assault rifles to storm a private home to “save” a 6-year-old boy from relatives who had been caring for him for several months after he had been plucked from the ocean off the Florida coast?

Do you think our government is good (better than the Massachusetts Puritans’) when it sponsors and actively promotes the killing of unborn babies? Is our government kind and considerate when it throws hundreds of thousands of people in prison—many for life—for no other reason than that they possessed a substance (a drug) that the government doesn’t approve of?⁵

Are you proud of living in a country where people can be fined, “reeducated,” or even thrown in prison for speaking their mind about certain topics like homosexuality? ...

I could go on with my illustrations.

The fact is, we live in a society that is no more tolerant today than it was three or four hundred years ago. It is just that certain behaviors are tolerated today that were *not* tolerated 50 to 100 years ago. Indeed, such behav-

3. Quakers are officially known as “Friends.” They attend “Friends Meetings” at which someone may speak—or not—as s/he feels led by the Holy Spirit. Friends have no clergy.

4. Both historical commentary and the poem itself were found at www.fum.org/OL/issues/0006/whittier.htm (accessed August 25, 2000). I should ask here: was she whipped primarily because she expressed the views she did? Or was the anger of her oppressors aroused partially because of the manner in which she delivered the message: in the middle of the Puritans’ meeting, in a manner to *disrupt* the meeting?

5. I could reference lots of sources. But this one came up first in my Internet search, it is interesting, and it proves my point: serendipity.magnet.ch/wod.html.

iors are encouraged, promoted, and even subsidized by our government today. . . . While, of course, certain other behaviors that used to be not only tolerated, approved (and, often, subsidized by government) are now looked upon with disdain, contempt, and hostility.

My point: I'm sure there are good reasons to question Dr. North and the Rev. Rushdoony concerning the policies they may advocate. Indeed, I myself question them. But I wonder if there may not be even better reasons to question those who rule over us now about their policies and practices.

A concluding comment.

Someone has said it is much easier to criticize from the back than it is to lead. It is easier to be *irresponsible* than it is to be responsible.

Many Christians seem happy to hold themselves "above the fray" by refusing to participate in politics. They pride themselves on keeping their hands "clean" by refusing to associate themselves with any political party or by refusing to advocate any governmental *policies* of which anyone could be critical.

But, as we have noted before, someone has to lead. Someone will lead. And so we are back to the question: who will it be? Whose law—what kind of law—should rule?

Will Christians take responsibility for leadership? Or will we simply "sit in the back of the bus" and complain about how other people—Christian and non-Christian, religious and secular—are driving?

pp. 54–58

Questions and Comments

28. What methods does North say should be used to bring in a government that is reconstructed on Christian principles? ➔ *evangelism and spiritual revival leading to willing submission to God's law, first personally, then corporately*
29. North mentions what he calls an "irresistible concept." What is it? ➔ *coercion*
30. Who or what does he believe ought to be permitted to coerce people's hearts and minds? ➔ *God; the Holy Spirit*
31. Who or what ought *not* to be permitted to engage in such coercion? ➔ *human beings*

North talks about three different millennial expectations and how they may affect political aspirations and expectations. As I realized when reading p. 58: if you have absolutely no expectation that the majority of people on earth will ever turn to Christ, and you don't believe in forcing people, at the point of a gun, into submitting to your personal political philosophy, then the kind of work North does really is futile: why waste your time trying to think through what a political system should look like when such a system *will not* and *cannot possibly* ever come into existence?

On the other hand, if you really and truly *do* believe Jesus will save a majority of earth's inhabitants, and you really *do* believe those who claim Christ as savior and lord will want, actually, to *obey* Him, then it makes sense to try to figure out what that obedience should look like. . . .

pp. 63–67

Vocabulary Development

God brings His **sanctions** in history ... (*laws or decrees*)

Questions and Comments

32. In what way was the law of God meant to serve as a tool for evangelism? In what ways do you think the laws of the United States today may serve as "anti-evangelistic" tools?
33. What word does North use as a modern equivalent to "kingdom"? ➔ *civilization*
34. Other Bible interpreters use "rule" or "authority" as equivalents for "kingdom." What is the difference in meaning between North's and these other interpreters' preferred interpretations?
35. In footnote 3, North says that God's sanctions for obedience and disobedience "apply more clearly to corporate bodies than to individuals, rather than the other way around." Does this make sense? Why or why not?

Essay—Pro-Nomianism

Rather than have you read North's lengthy explanations of "pro-nomianism" (a commitment *to or in favor of* God's law) and of antinomianism (a commitment *against or in opposition to* God's law), I thought I'd give you a summary.

In sum, North and several of his companions have identified five standard parts to biblical covenants, each of which answers a question. The pronomian will answer these questions as the Bible does; the antinomian will answer exactly opposite.

Though North's names for the parts of the covenant or his methods for identifying the parts are unique, others before him have noted many of the same features.

What Meredith G. Kline called the historical prologue,⁶ North and his friends refer to simply as the first of the five standard parts of a covenant.

In all Middle Eastern suzerainty treaties (treaties between a great king and his client states—what are called *vassals*, the peoples and nations that had been conquered by and had to pay tribute to the great king), the first section of the treaty outlined and reminded the vassals *why* they had to pay tribute, what the great king had done to acquire the right to their tribute.

If you look at God's covenant(s), you will find the same format. The first section of all biblical covenants declares who is in charge, who has authority or sovereignty, and

6. Meredith G. Kline, *The Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids, MI: Eerdmans, 1963), pp. 52–61.

Introductory Comments

Our purpose this year is to study civics, civil government, and especially *American* civil government. We will approach this subject primarily from an historical perspective, though I hope you will be doing the Bible portion of the curriculum as well so you can enter into some of the debates that our studies there will provide.

Today I want to go “before the beginning” of our program. What I say here is a summary of the Introduction and first two chapters of Dr. Harold J. Berman’s *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983).

* * *

Berman demonstrates that America’s legal tradition was, at least until very recently, intimately tied to the legal traditions of all the European nations that arose out of and were influenced by the traditions of ancient Rome and, before Rome, Greece.

Our legal traditions are completely different from those of, say, Africa (including Islamic North Africa), India and the “Far East” (China, Japan, and so forth).

Beyond that, our legal tradition is closely allied to the legal traditions of all the Western European as opposed to Eastern European nations. Specifically, our legal tradition has been heavily influenced by what transpired as a result of what most historians call the “Gregorian Reformation” or “Investiture Controversy” but that Berman calls the “Papal Revolution” of approximately AD 1075 to 1122.

We who are heirs of the Roman Catholic Church have a totally different legal heritage from those Western nations that have inherited the influence of the Eastern Orthodox Church. (Notice that the Eastern Orthodox and Roman Catholic churches, though they had been drifting for some time, finally split apart “for good” in 1054, just over 20 years before Pope Gregory VII [reigned 1073–85] began the ecclesiastical and political reforms that have influenced Western law until today.)

I would like you to join me as we consider the very earliest roots of our Western legal tradition and as we consider some of the questions that an eminent professor of law asks about that tradition.

The first question: What is law?

Most of us would think of law as a set of rules. And law does include rules. But it is more than rules.

Law has to do with action: the process of “allocating rights and duties and thereby resolving conflicts.”¹

But law is more than action, too. As Berman notes, law has to do with faith and hope—the expectations of the people who participate in the legal tradition. Before Pope Gregory VII, for example, Augustine’s view of society held sway: the City of Man was subject only to decline and decay.

Pope Gregory’s reforms led to a new attitude: social institutions could (and should) grow, reproduce, reform,

and improve themselves. In other words, a fundamentally pessimistic and past-oriented worldview (the world was once great and is now dying) gave way to a fundamentally optimistic and future-oriented worldview (God has called us to build a culture for His glory).

Berman argues that there have been six great revolutions in the Western legal tradition. Beginning with the most recent and working back to the first, we find the Russian Revolution, the French Revolution, the American Revolution, the English Revolution,² the Protestant Revolution (what Berman calls the “German Revolution,” but known more popularly as the “Protestant Reformation”), and the Papal Revolution (named the Reformation by Pope Gregory VII and popularly known as the “Gregorian Reform”).

One of the primary causes of revolution is what Berman believes is “an inherent contradiction” in purpose within the Western legal tradition.

According to the Western legal tradition, one of the purposes of law is to establish and preserve order. But another and equally fundamental purpose is to promote and do justice. And justice, sometimes, is opposed to the present order. Moreover, the definition of justice can change over time. As Berman says, justice was originally associated (in the Papal Revolution) with the Last Judgment and the Kingdom of God, then (in the German Revolution) with the Christian conscience, later (in the English Revolution) with public spirit, fairness, and the traditions of the past; still later (in the French and American Revolutions) with public opinion, reason, and the rights of man; and most recently (in the Russian Revolution) with collectivism, planned economy, and social equality. . . . [In each case, t]he overthrow of the preexisting law as order was justified as the reestablishment of a more fundamental law as justice.³

Well, enough on the six revolutions. I want to call your special attention at this moment to the Papal Revolution of 1075–1122, a revolution that began when the Pope declared ecclesiastical independence from and sovereignty over secular authorities, and that ended when the Pope and the emperor came to a compromise agreement about how things were to be run from there on out.

The Papal Revolution, usually called the Hildebrand Reform, the Gregorian Reform, or the Investiture Struggle, completely altered Western political ideas and the entire political structure.

Prior to the Revolution, as Berman says, the clergy of Western Christendom . . . were, as a rule, much more under the authority of emperors, kings, and leading feudal lords than of popes. For one thing, most church property belonged to those very emperors, kings, and feudal lords. As lay proprietors, they not only controlled church lands

2. As Berman notes, originally known as “the Great Rebellion” by its enemies and the “restoration of freedom” by its friends.

3. *Ibid.*, pp. 21–22.

1. Berman, p. 5.

and incomes but also appointed persons ... to the bishoprics and other ecclesiastical offices which were part of their property....

Emperors and kings called church councils and promulgated church law.... The bishopric was often a principal agency of civil administration.... A dispute over the jurisdiction of a bishop might end up at Rome or ... it might ... end up in the court of a king or of the emperor.

The system was similar to that which prevailed in the Eastern Roman Empire, and which was later denounced in the West as Caesaropapism.⁴

It is not strictly correct, however, to speak of the kings and emperors of western Europe in the sixth to eleventh centuries as “laymen.” That is what the pope called them after 1075, but before then they had had undisputed religious functions.... [T]hey were “deputies of Christ,” sacral figures, who were considered to be the religious leaders of their people. They were often said to be men made holy by their anointment and to have healing powers....

[T]he emperor had both the military task of maintaining a coalition of tribal armies ... and the spiritual task of maintaining the Christian faith of the empire against a reversion to paganism.⁵

After the Revolution, all of these things were to change. Dramatically.

[T]he church took on most of the distinctive characteristics of the modern state. It claimed to be an independent, hierarchical, public authority. Its head, the pope, had the right to legislate, and in fact Pope Gregory’s successors issued a steady stream of new laws.... The church also executed its laws through an administrative hierarchy, through which the pope ruled as a modern sovereign rules through his or her representatives. Further, the church interpreted its laws, and applied them, through a judicial hierarchy.... Thus the church exercised the legislative, administrative, and judicial powers of a modern state. In addition, it adhered to a rational system of jurisprudence, the canon law. It imposed taxes [and] ... through baptismal and death certificates ... kept what was in effect a kind of civil register.... One could be deprived of citizenship, in effect, by excommunication. Occasionally, the church even raised armies....⁶

In essence, says Berman, the church first separated “sacred” from “secular,” then taught the “secular” rulers how to rule! It established all the precedents of law and structure on which the modern nation-state is built.

Most importantly, he says,

[T]he Papal Revolution ... introduced into Western history the experience of revolution itself. In contrast to the older view of secular history as a process of decay, there was introduced a dynamic quality, a sense of progress in time, a belief in the reformation of the world....

In contrast not only to the earlier Western folk law but also to Roman law ... , law in the West ... thereafter was conceived to be an organically developing system, an ongoing, growing body of principles and procedures, constructed ... over generations and centuries.⁷

In the weeks to come, you will see only a single, virtually invisible reference to the Papal Revolution. That is worse than unfortunate. It is misleading.

Berman claims the Papal Revolution was foundational to everything that followed.

I believe he is correct.

When people claim that there is little or no religious basis for the American system of government, they are showing their ignorance of the very roots of the entire Western legal and political tradition.

One of these days this story, too, must be told.

Some Additional Notes

Please remember that the dates I list (for example) in the “Identification” section of each week’s history **notes**: almost none of those dates need to be memorized or “mastered.” I include them *strictly for reference* and for help in case you want to (and I would encourage you to!) keep a timeline. I am not—and I hope you will not be—concerned about very many *specific* dates. What I want you to master (or, rather—because I expect this note is being read by Mom or Dad—what I want your *children* to master) is the *relative* dates of the various people and events: what came first, what came later, what was happening at the same time. That, I believe, is more important than that someone happened to live from precisely 1504 to 1568 (or whatever). So, please, *relax* about dates—at least most dates.

I have included a lot of names of people. Some of them are clearly important to be able to associate with certain historical events. Other, I believe, are more important primarily as “familiar names”—names that, when you hear them you think, “Oh, yes! I’ve heard that name before. Now that I’m hearing it again, I should probably pay closer attention than I might otherwise.” Truly. That’s all I expect out of names like Peter Abelard, say, or Peter Lombard. Now, Thomas Aquinas? A student ought to know that name and ought to have a fairly strong memory of what he stood for. But Abelard and Lombard? I think most students ought to recognize those names primarily as “important people.” Maybe a student should know the general context of where those names came from (the Middle Ages; Roman Catholic theologian/philosopher). But more than that? Probably not. Well, what about, say, the Ayatollah Khomeini? There’s a name, I think, that a student should probably know. And the student should know not just the name, but who Khomeini was and why he is remembered today. Diderot and Turgot?—Maybe recognize that they were French *philosophes*. At least recognize that they are famous men (somehow), even if you don’t remember *why* they are famous. ■

4. Loosely: *Caesaropapism* means that Caesar—the civil magistrate—is the head of the church, the “Pope.” Or, put another way, “the Pope is subservient to the king.”

5. Berman, *op. cit.*, pp. 88–89.

6. *Ibid.*, pp. 113–114.

7. *Ibid.*, pp. 118–119.

Introductory Comments

My purpose for including the following questions is partially in order to give you—Mom, Dad, Son, or Daughter—a means to *review* what Son or Daughter has read. They provide a tool for evaluating how well Son or Daughter has grasped the key points of the texts we will be reading.

Please recognize that among all the “suggested” questions below, only a few are truly significant, most are of decidedly secondary importance. These questions are, indeed, merely *suggested*. Use your best judgment on which ones to require and to what degree of detail you will require answers. Is the detail necessary for basic understanding? Is it good for *your* understanding but unnecessary for memorization? How much information do you want [Son or Daughter] to know two months from now?

Magna Carta (1215)

The complete text of the *Magna Carta* can be found online at odur.let.rug.nl/~usa/D/1400/magna.htm.

I am reproducing here a good portion of the entire document. I would like you to read through the text below and highlight all those portions that strike you as part of the United States constitution today. I want you also to make sure you understand what you are reading. I have attempted to provide you with the definitions of those words that may be uncommon, unfamiliar, or hard to understand. You will find Questions and Comments at the end of the following quoted text.

John, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects,—Greeting.

Know ye, that We, in the presence of God, and for the salvation of our own soul, and of the souls of all our ancestors, and of our heirs, to the honor of God, and the exaltation of the Holy Church and amendment¹ of our Kingdom, by the counsel of our venerable fathers ... have ... granted to God, and by this our present Charter, have confirmed, for us and our heirs for ever:

(1) That the English Church shall be free, and shall have her whole rights and her liberties inviolable....

We have also granted to all the Freemen of our Kingdom, for us and our heirs for ever, all the underwritten Liberties, to be enjoyed and held by them and by their heirs....²

(12) No scutage³ nor aid shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem our person, to make our eldest son a knight, and once to marry our eldest

daughter, and not for these, unless a reasonable aid shall be demanded.

(13) In like manner let it be concerning the aids of the City of London.—And the City of London should have all its ancient liberties, and its free customs, as well by land as by water.—Furthermore, we will and grant that all other Cities, and Burghs, and Towns, and Ports, should have all their liberties and free customs.

(14) And also to have the common council of the kingdom, to assess and aid, otherwise than in the three cases aforesaid: and for the assessing of scutages, we will cause to be summoned the Archbishops, Bishops, Abbots, Earls, and great Barons, individually, by our letters.—And besides, we will cause to be summoned in general by our Sheriffs and Bailiffs, all those who hold of us in chief, at a certain day, that is to say at the distance of forty days, (before their meeting,) at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons: and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who had been summoned have not come....

(16) No man shall be forced to perform more service for a knight's fee, or other free holding of land, than is due from it.

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place....

(18) Trials [of certain types] shall not be taken but in their proper counties, and in this manner:—We, or our Chief Justiciary,⁴ if we are out of the kingdom, will send two Justiciaries into each county, four times in the year, who, with four knights of each county, chosen by the county, shall hold the aforesaid assizes,⁵ within the county on the day, and at the place appointed.

(19) And if the aforesaid assizes cannot be taken on the day of the county-court, let as many knights and freeholders, of those who were present at the county-court remain behind, as shall be sufficient to do justice, according to the great or less importance of the business.

(20) A free-man shall not be fined for a small offence, but only according to the degree of the offence; and for a great delinquency, according to the magnitude of the delinquency, saving his contentment⁶: a Merchant shall be fined in the same manner, saving his merchandise, and a villain⁷ shall be fined after the same manner, saving to him his Wainage,⁸ if he shall fall into our mercy; and none of the aforesaid fines shall be assessed, but by the oath of honest men of the vicinage [vicinity].

1. Amendment = improvement.

2. This clause, with a few minor amendments, was still valid under the charter of 1225.

3. Scutage = a tax paid in lieu of military service.

4. Justiciary = high judicial official; a judge, but more than *just* a judge.

5. Assize = a session of court.

6. Contentment = that which is owned *together with* something else. Thus, for example, one may own land on which there are certain buildings. The buildings could be—and usually are—*contentment* (owned together with the land).

7. Villain = (not what you think!) a serf who held the legal status of free-man in his dealings with all people except his lord.

8. Wainage = the horses, oxen, plows, wagons, and implements required to till the soil; the profit made by tillage; also, the land itself.

(21) Earls and Barons shall not be fined but by their Peers, and that only according to the degree of their delinquency....

(28) No Constable (Governor of a Castle) nor other Bailiff of ours shall take the corn or other goods of any one, without instantly paying money for them, unless he can obtain respite from the free will of the seller.

(29) No Constable shall compel any Knight to give money for castle-guard, if he be willing to perform it in his own person, or by another able man, if he cannot perform it himself, for a reasonable cause: and if we have carried or sent him into the army, he shall be excused from castle-guard, according to the time that he shall be in the army by our command.

(30) No Sheriff nor Bailiff of ours, nor any other person shall take the horses or carts of any free-man, for the purpose of carriage, without the consent of the said free-man.

(31) Neither we, nor our Bailiffs, will take another man's wood, for our castles or other uses, unless by the consent of him to whom the wood belongs....

(38) No Bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for the purpose.

(39) No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgement of his peers, or by the laws of the land.⁹

(41) All Merchants shall have safety and security in coming into England, and going out of England, and in staying and in travelling through England, as well by lands as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting the time of war, and if they be of a country at war against us: and if such are found in our land at the beginning of a war, they shall be apprehended without injury of their bodies and goods, until it be known to us, or to our Chief Justiciary, how the Merchants of our country are treated who are found in the country at war against us; and if ours be in safety there, the others shall be in safety in our land....

(45) We will not make Justiciaries, Constables, Sheriffs, or Bailiffs, excepting of such as know the laws of the land, and are well disposed to observe them....

(48) All evil customs [taxes] of Forests and Warrans, and of Foresters and Warrantors, Sheriffs and their officers, Water-banks and their keepers, shall immediately be inquired into by twelve Knights of the same county, upon oath, who shall be elected by good men of the same county; and within forty days after the inquisition is made, they shall be altogether destroyed by them never to be restored; provided that this be notified to us before it be done, or to our Justiciary, if we be not in England....

(52) If any have been... dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them; and if any dispute shall arise on this head, then it shall be determined by the verdict of the twenty-five Barons, of whom mention is made below, for the security of the peace.—Concerning all those things of which any one hath been... dispos-

sessed, without the legal verdict of his peers by King Henry our father, or King Richard our brother, which we have in our hand, or others hold with our warrants, we shall have respite, until the common term of the Crusaders, excepting those concerning which a plea had been moved, or an inquisition taken, by our precept, before our taking the Cross; but as soon as we shall return from our expedition, or if, by chance, we should not go upon our expedition, we will immediately do complete justice therein.

(53) The same respite will we have, and the same justice shall be done, concerning the disafforestation of the forests, or the forests which remain to be disafforested, which Henry our father, or Richard our brother, have afforested; and the same concerning the wardship¹⁰ of lands which are in another's fee¹¹, but the wardship of which we have hitherto had....

(54) No man shall be apprehended or imprisoned on the appeal of a woman, for the death of any other man than her husband.

(55) All fines that have been made by us unjustly, or contrary to the laws of the land; and all fines that have been *imposed* unjustly, or contrary to the laws of the land, shall be wholly remitted¹²....

(56) If we have... dispossessed any Welshmen of their lands, or liberties, or other things, without a legal verdict of their peers, in England or in Wales, they shall be immediately restored to them; and if any dispute shall arise upon this head [i.e., this matter] then let it be determined... by the verdict of their peers....

(61) But since we have granted all these things aforesaid, for GOD, and for the amendment of our kingdom, and for the better extinguishing the discord which has arisen between us and our Barons, we being desirous that these things should possess entire and unshaken stability for ever, give and grant to them the security underwritten; namely, that the Barons may elect twenty-five Barons of the kingdom, whom they please, who shall with their whole power, observe, keep, and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this our present charter, in this manner:... if we, or our Justiciary, or our bailiffs, or any of our officers, shall have injured any one in any thing, or shall have violated any article of the peace or security, and the injury shall have been shown to four of the aforesaid twenty-five Barons, the said four Barons shall come to us, or to our Justiciary if we be out of the kingdom, and... petition that we cause that excess to be redressed without delay. And if we shall not have redressed the excess... within the term of forty days... from the time when it shall have been made known to us, or to our Justiciary if we have been out of the kingdom, the aforesaid four Barons, shall lay that cause before the residue of the twenty-five Barons; and they, the twenty-five Barons, with the community of the whole land, shall distress and harass us by all the ways in which they are able; that is to say, by the taking of our castles, lands, and possessions, and by any other means in their power, until the excess shall have been redressed, according to their verdict; ... and when it hath been redressed, they shall behave to us as they have done before....

9. This clause, with a few minor amendments, was still valid under the charter of 1225.

10. Wardship = guardianship, care.

11. Fee = an inherited or heritable estate in land.

12. Remit = restore, pay back.

And if any one of the twenty-five Barons shall die, or remove out of the land, or in any other way shall be prevented from executing the things above said, they who remain of the twenty-five Barons shall elect another in his place, according to their own pleasure, who shall be sworn in the same manner as the rest.

In all those things which are appointed to be done by these twenty-five Barons, if it happen that all the twenty-five have been present, and have differed in their opinions about any thing, or if some of them who had been summoned, would not, or could not be present, that which the greater part of those who were present shall have provided and decreed, shall be held as firm and as valid, as if all the twenty-five had agreed in it: and the aforesaid twenty-five shall swear, that they will faithfully observe, and, with all their power, cause to be observed, all the things mentioned above....

(63) Wherefore, our will is and we firmly command that the Church of England be free, and that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places, for ever as is aforesaid.

It is also sworn, both on our part, and on that of the Barons, that all the aforesaid shall be observed in good faith, and without any evil intention. Witnessed by the above, and many others.

Given by our hand in the Meadow which is called Runningmead, between Windsor and Staines, this 15th day of June, in the 17th year of our reign [i.e., 1215: the new year began on May 28th].

Questions and Comments

1. What is section 12 about? ➡ *taxation*
2. Compare section 13 with the Constitution's Amendment 10.
3. Compare sections 17 through 39 with the United States Constitution, Article III, Section 2, paragraphs 3 and 4 and Amendments 5 through 8.

Progressivism

Before we get any further along in our discussions of Progressivism and its fall-out, I thought I should say a bit about the subject; most especially, about the circumstances in which the Progressive movement first began.

Carson has presented—and will present—many of the strongest historical arguments *against* the Progressive movement's "achievements."

I will confess here (lest there be any doubt) that I am, myself, furious at what I see as the Progressive movement's thorough destruction of Constitutional government in the United States. And when I hear either Democrats or Republicans suggest that they are committed to returning to some kind of "limited, Constitutional government," I laugh bitterly because I think they are lying... or because they are horribly misinformed about their own parties' historical records.

The Republican Party got its start under Lincoln's tyrannical and wholly *un*Constitutional regime. It was the Republican Theodore Roosevelt who championed most of

the great "reforms" in American government at the beginning of the 20th Century that transformed the national government into the leviathan that I believe it is today.

The United States had certainly been meddling in the affairs of other nations prior to Roosevelt's presidency (consider the Mexican-American War of 1846–1848 and the Spanish-American War of 1898), but Roosevelt consciously and purposely initiated an undemocratic *revolution* in Panama, and asserted a larger role for the United States in the affairs of other American (i.e., mostly, *South* American and Caribbean) nations.¹³ Clearly, the United States' military, under Roosevelt, moved beyond a role of domestic *defense*—the role that seems (to me) clearly outlined in the Constitution—to a role of international intrigue and meddling!

Looking to the 1920s, a period in which Republicans dominated Congress (303 to 131 in the House and 60 to 36 in the Senate) *and* the presidency, and federal spending mushroomed. "[U]nder President Hoover's administration [1929–1933], real per capita federal expenditures... increased by 88 percent. Under President Roosevelt's administration from 1933 to 1940, just before World War II, they increased by only 74 percent. Although Hoover started from a lower base, in percentage terms expenditures under Hoover increased more in four years than during the next seven New Deal years."¹⁴

Further, "when the income tax was established in 1913, the highest marginal tax rate¹⁵ was 7 percent; it was increased to 77 percent in 1916 to help finance the war. The top rate was reduced to as low as 25 percent in 1925, but *that is substantially higher than the 7 percent rate prior to the war, and the income levels that defined the brackets had also been lowered* substantially from their prewar levels. The 'normalcy' of the 1920s incorporated considerably higher levels of federal spending and taxes than the Progressive era before World War I."¹⁶

As for Democrats: it was Woodrow Wilson who reestablished, during the First World War, some of the unbelievably tyrannical precedents concerning freedom of speech (i.e., Wilson eliminated freedom of speech!) that Lincoln had set just over 50 years previously. He enforced military service for a foreign war on pain of lengthy prison sentences.¹⁷

13. See gi.grolier.com/presidents/ea/bios/26proos.html for just one perspective on these matters.

14. See "The Growth of the Federal Government in the 1920s" by Randall Go.. Holcombe (*The Cato Journal*, Vol. 16, no. 2, Fall 1996), available online at www.cato.org/pubs/journal/cj16n2-2.html.

15. "Marginal" rates always refer to the rate for the "next" dollar (i.e., the dollar at the *margin*). Thus, for example, let's say the tax rate on the first \$100,000 in income is zero but 50 percent for every dollar above \$100,000. As long as a person earns less than \$100,000, his/her marginal tax rate is zero. But as soon as s/he earns \$100,000, his/her marginal tax rate will be 50 percent: every dollar s/he earns from here on out (every "new" dollar; every dollar "at the margin") will be taxed a full 50 percent.

16. *Ibid.*, emphasis added.

17. Eugene Debs, a perpetual Socialist candidate for president from 1900 to 1920, was arrested for making a speech that criticized the Espionage Act under which a number of Socialists had been incarcerated for opposing the United States' involvement in World War I. Debs was sentenced

And then, of course, we cannot forget FDR's administration....

There are plenty of additional Democrats for me to excoriate, and I'd love to, but it isn't as if the Republicans have become "good boys" since the 1920s. Nixon, a Republican, was the one who set the precedent for federal wage-price controls. And today's president, George W. Bush, despite his talk about limited federal government, has said nothing about *removing* federal involvement in education; instead, he seems only to see how the central government can play a *larger* role in education....

But let me not get ahead of myself or wander off-topic. My purpose here is to discuss, briefly, why the Progressive movement was—and still is—so attractive.

Actually, you should have a pretty good idea of why it was attractive in the late 1800s and early 1900s. You have read *The Jungle*. You have read *The Grapes of Wrath*. You have "experienced," as it were, what life was like for many people of that era. You have felt the sense of injustice and powerlessness. You can "see" how small you would look in your own eyes, and how big the government must have seemed. What else was big enough to handle the kinds of problems with which the country was faced? Who or what else could save people from greedy business owners?

As the authors of *Labor's Untold Story* say,

Behind the legislation and fine words of the "Progressive Era" were the reality of child labor, the exploitation of women workers, contract labor and peonage, bitter strikes, an increasing disparity between the poverty of the average American and the millions of dollars in profit being received by the few.... Wilson spoke of the "New Freedom," and Roosevelt of the "Square Deal," [but] neither of these was much in evidence for workers harried by the open-shop drive of the National Association of Manufacturers, impartially using propaganda, guns, and spies in their ceaseless campaign to prevent union organization.

In 1910 some 2,000,000 children, according to government figures, were forced to work to supplement the family income, their average wage less than \$2 a week in the clothing industry, less than \$3 weekly in the glass and silk industries.¹⁸ Women, more than one-fifth of the country's labor force in 1910, were earning for the most part an average of \$6 a week in the textile and clothing industries, in glass and silk factories.

From two-thirds to three-quarters of all men employed in industry earned less than \$15 weekly, according to the final report faith government Commission on Industrial Relations in 1915, and only about one-tenth of all men employed in American industry earned more than \$20 a week. "Approximately 35,000 persons were killed [in 1914] in American industry," the report continued, "and at least one-half of these deaths were preventable." ... [T]he report stated that 700,000 were injured annually in the nation's mines, mills, and factories....¹⁹

Thirty-seven per cent of working class mothers, according to the Industrial Commission, were forced to work for wages in addition to caring for their families....²⁰

[I]n Michigan's copper country, ... 15,000 copper miners with an average pay of \$1 a day were on strike [late 1913 to 1914] against the Calumet and Hecla Mining Company. The officials of the company had announced a 400 per cent stockholders' dividend²¹ a short time before the strike was called.²²

Yet if the national government looked large from below, I think you need to see the picture from "the top."

Some of the largest companies of the day seemed—and, in some ways, were—bigger than the United States government.

During the Panic of 1907 (when depositors withdrew so much money from their banks, that the banks had to shut down), President Roosevelt turned to J.P. Morgan for aid—J.P. Morgan!—the man who seemed to be behind all the biggest businesses, the man who had put together the world's largest company up to that time (U.S. Steel, the first billion-dollar company, founded in 1901), the man who was hugely distrusted for what "everyone knew" were his self-serving and corrupt dealings with the government at the time of the Civil War.

Why should the government be turning to *that* kind of man for help? Was this a government "of the people, by the people, and for the people"—or was it for the benefit of big business?

You can understand the concerns!

From the reading I've done, it seems that many people, in government and out, were concerned that "big business" would *own* the federal government, lock, stock, and barrel.²³ And looking at what was happening around them—including the Lorimer scandal—is there any good reason why you think they should have felt otherwise?

to ten years in the Atlanta Penitentiary for making that speech! (He was eventually pardoned in December 1921—almost three years after his conviction!)

18. According to an official government report, children worked 'surprisingly long [hours]. Less than one-fifth of the boys whose hours were reported worked 8 hours or less, one-fourth were working 9 hours, and nearly one-half (45.9 per cent) worked 10 hours daily.' (U.S. Dept. of Labor, Bureau of Labor Statistics, *Summary of the Report on Conditions of Women and Child Wage Earners in the United States*, Bulletin No. 175, Washington, 1916, p. 283.) ...

19. Richard O. Boyer and Herbert M. Morais, *Labor's Untold Story* (Pittsburgh, PA: United Electrical, Radio and Machine Workers of America, 1955), p. 184. Footnote is from the same article.

20. *Ibid.*, p. 187.

21. A 400 percent dividend means the shareholders would receive four times the cost of their stocks in a single payment out of corporate profits!

22. *Ibid.*, p. 188.

23. By the way: do you know where that phrase—"lock, stock, and barrel"—comes from? I had always thought of it, somehow, in terms of a retail store: the lock on the front door, the stock of goods, and the barrel (storage containers??). But then, just recently, someone pointed out that it refers to a gun: lock (the firing mechanism), stock (the handgrip or holder), and barrel (that which aims the bullet). Put another way: *the whole thing*!

Boyer and Morais note that

Roosevelt, who in 1895 had demanded that [Eugene] Debs and [Illinois Governor John P.] Altgeld be “placed before a stone wall and shot,” was scoring “malefactors of great wealth” after his election on the Republican ticket in 1904. Soon he was accused of being a “wild-eyed revolutionist” and some businessmen saw in him a traitor to his class as he campaigned on the ... Progressive ticket in 1912.

In a footnote, they continue:

However, not all businessmen in 1912 saw in Theodore Roosevelt a traitor to his class. In fact, George W. Perkins of the House of Morgan, Frank A. Munsey, a newspaper publisher, and H. H. Wilkinson, president of the Crucible Steel Company, “boomed” Roosevelt for the nomination on the Progressive ticket and financially backed his “Bull Moose” campaign. These big businessmen ... backed Roosevelt’s campaign to eliminate the possibility, as one of them put it, “of his children having to face revolution.” (M. Josephson, *The President Makers*, p. 431.)²⁴

pp. xi–xii

Questions and Comments

4. According to Carson, what is true about the observance of the Constitution in politics and law today? ➔ *it is being ignored*
5. What should you expect to learn about during your studies of Carson’s book? ➔ *the historical roots of the Constitution, and how it has been used, abused, and ignored ever since it was written*

pp. 4–10

Questions and Comments

6. According to Carson, what has caused “the political crisis of our time”? ➔ *the governed peoples have had no clear idea about the limits of beneficent government: i.e., how government concentrates and exercises power—and how such concentrated power needs to be limited, restricted and restrained; put another way, people have lacked a well-thought-out political philosophy; the governments have been unwilling to limit themselves in their exercise of power*
7. What two illustrations of “government run amok” does Carson use? ➔ *Hitlerian National Socialism in Germany (1933–1945), and Russian Bolshevik Communism (1917–1991)*
8. What are some of the characteristics of international Communism? ➔ *one-party rule, dictatorship, government “security” forces with no limitations, government control of virtually all means of economic production, a commitment to create the “New Man,” religious persecution, government control of virtually all media of mass communication, labor camps*

9. Has dictatorship and corruption of government been solely a factor in “left-wing” (i.e., Communist or socialist) societies? ➔ *by no means! Look at Francisco Franco’s Spain, Juan Peron’s Argentina, Antonio de Oliveira Salazar’s Portugal, Fulgencio Batista’s Cuba, etc.*
10. What has been the primary motivation toward concentration of government powers? ➔ *socialism*
11. Historically, has democracy served as a bulwark against totalitarianism or the concentration of governmental powers? ➔ *not at all; see Nazi Germany, let alone the U.S., United Kingdom, Sweden, Norway, etc.*
12. What does nationalization mean? ➔ *to place what had been a private enterprise under governmental control*
13. What does graduated or progressive tax mean? ➔ *that those at higher income levels are taxed at a proportionally higher rate than are those at lower income levels*
14. What taxes are alternatives to graduated or progressive taxes? ➔ *regressive taxes impact lower-income persons more heavily than upper-income people; proportional taxes impact all income levels on a perfectly proportional basis*
15. What concepts, truths, or ideas particularly struck you about the history of the advance of socialism in Sweden and the United Kingdom?

pp. 10–15

Vocabulary Development

It became a **shibboleth**, and is now not even serviceable as such ... (a password or catchphrase used to distinguish outsiders, see Judges 12:5–6:5: And the Gileadites took the assages of Jordan before the Ephraimites: and it was so, that when those Ephraimites which were escaped said, Let me go over; that the men of Gilead said unto him, Art thou an Ephraimite? If he said, Nay; 6: Then said they unto him, Say now Shibboleth: and he said Sibboleth: for he could not frame to pronounce it right. Then they took him, and slew him at the passages of Jordan: and there fell at that time of the Ephraimites forty and two thousand)

The current bemusement with “democracy” owes much to Dewey’s **obfuscations**. (to confuse the issue, make it hard to understand)

Questions and Comments

Note: Carson says, “Over the past five years... .” That would be 1988–1993.

16. Why does Carson call democracy and capitalism mere “buzz words”? ➔ *because they are not understood and, therefore, are misused*
17. What is the common meaning of democracy? ➔ *popular government—i.e., more or less, “majority rule”*

24. *Ibid.*, p. 179.

18. What is the common meaning of capitalism? ➔ *private ownership of the means of production and freedom of enterprise within a free market*
19. According to Carson, do democracy and capitalism tend to limit government powers? ➔ *no*
20. Discuss: Why or why not? ➔ *because, if anything, democracy easily leads to mob rule, and “the mob” often wants government to extract benefits from “the rich”; and capitalism has very little, if anything, to do with limitations on governmental functions—it has to do with economics, not government (even though the government can heavily influence economic activity)*
21. What are the three basic elements of economic production? ➔ *land, labor, and capital*
22. What do the words capital and capitalism mean? ➔ **capital:** *wealth that is used to produce commodities or goods; **capitalism:** an ideology or system in which capital is given a preferential or dominant role in the economy—dominant over the other two elements of production*
23. What are Carson’s goals for studying the U.S. Constitution? ➔ *to learn how to limit government by understanding how the government was originally envisioned; and discovering the history behind how the Constitution has come to be used (and abused) as it is today*
24. What is the relationship between states and general government supposed to be according to the U.S. Constitution? ➔ *the states were actually in existence prior to and separate from the U.S. government; though federal law is supposed to have some superiority, it is not supposed to be complete*

pp. 17–24

Cultural Literacy

Marbury vs. Madison: a legal case that established the authority of the Supreme Court to declare laws unconstitutional.

Vocabulary Development

“Let us not make it a blank paper by **construction**.” (*interpretation, the act of construing*)

“But let there be no change by **usurpation** ...” (*taking over by force or without right*)

Questions and Comments

25. What three words does Carson believe best describe, in short order, the kind of government that the United States are supposed to enjoy?²⁵ ➔ *a constitutional federated republic*

25. By the way: did you notice the form of the verb *to be* I used? I purposely did *not* use the singular! Why is that? If you don’t know, you will soon find out!

26. If he were to add some modifiers, what would those include? ➔ *mixed, limited*
27. According to Carson, does “constitutional” mean “written document”? ➔ *no; any government that carries on its business in a regular or customary way may be considered constitutional*
28. Why did Jefferson think a written constitution was (or is) of particular importance? ➔ *because it provides an assurance against governmental usurpations of power*
29. What was problematic about having rule by men without law, according to the founding fathers? ➔ *it would be arbitrary rule*
30. What other kinds of law were there besides constitutional when the Constitution was written? ➔ *statutory and common*
31. And what are these? ➔ *statutory is written law passed by a legislature; common is unwritten law that is passed down by custom; it is built on court decisions*
32. What does Carson mean when he speaks of the Constitution as being “higher” law? ➔ *primarily: that it takes precedence over “normal” or “ordinary” law*
33. For whom is the Constitution supposed to serve as a legal guide? ➔ *the government*
34. Why is the *Marbury vs. Madison* Supreme Court decision so important? ➔ *it established the Constitution as superior to statute law*
35. According to Jefferson, Hamilton, and other early government leaders, which branch of the general government had the primary responsibility to interpret the Constitution? ➔ *all three branches: the Congress was supposed to evaluate laws for their Constitutionality before it passed them; the President was supposed to do the same; and the Supreme Court was also supposed to have the ability or authority to judge a law’s constitutionality*

pp. 24–27

Vocabulary Development

And most of those powers are **enumerated** ... (*listed, named one by one*)

Questions and Comments

Note: We will be running through the Constitution rather quickly over the next week. We will be returning to it again in a few weeks when we will be spending quite a bit more time on the details.

36. Why does Carson object to calling the general government of the United States “the federal government”? ➔ *because the individual states are supposed to be part of the federal system of government*
37. What are the differences between the legislative, executive, and judicial branches of government? Put

another way, what does each branch do? ➔ *legislative: makes laws; executive: puts them into operation; judicial: enforces them through judgments and punishments*

38. What is the form of the United States' legislative branch? ➔ *it is called the Congress; it is composed of two houses or groups of decision-makers: the House of Representatives and the Senate*
39. What are (or were, when the Constitution was first written) some of the differences between Senators and Representatives? ➔ *Senators were elected by the state legislatures for terms of six years; they had to be at least 30 years old; each state had the same number of Senators; the Senators' purpose was to represent the interests of their respective states; Representatives are (and were) popularly elected for terms of only two years and had to be only 25 years old; Representatives were apportioned proportionately according to population; thus, states with greater populations would (and do) have more Representatives than states with smaller populations; Representatives were (and are) supposed to represent the interests of the people who elect them*
40. Are there any differences between the two houses of Congress in terms of what they can do? If so, what are they? ➔ *the House is permitted to initiate all bills having to do with taxing and spending; it must also initiate any actions of impeachment; the Senate is responsible for approving treaties and presidential appointments*
41. On what grounds does Carson say that Article I, Sections 8 and 9 of the Constitution are "the most important parts of the Constitution"? ➔ *because they define and place limitations on what the general government can do*

pp. 27–33

Vocabulary Development

Government by one is most often described as a **monarchy**, though any sort of dictatorship will also qualify. (*government by one*)

Government by a few is often described as an **aristocracy**. (*government by a few*)

Government, or rule, by many, or the people, is sometimes described as **democracy**. (*government by the people*)

Questions and Comments

42. What is the chief executive of the United States called? ➔ *the President*
43. How is (and was) the President elected? ➔ *by an electoral college which included representatives from every state in proportion to each state's representation in Congress: one member of the college for each Senator and one for each Representative; these electors could be elected in any manner each state might choose; at first, the electors would each vote for two candidates; whichever*

candidate got the most votes would become President, and whoever got the second most votes became Vice President; if there was a tie, the House of Representatives got to decide who became what; Amendment 12 changed things so that the electors cast two votes, but one was for President and the other was for Vice President

44. What are the requirements for someone to become President? ➔ *s/he must be at least 35 years old, and a natural born citizen of the United States*
45. What rules surround the President's pay? ➔ *it can't be raised or lowered while he is in office*
46. What are some of the President's unique powers? ➔ *he can recommend legislation; he is required to inform Congress of the "state" (i.e., condition) of the Union; he can call Congress into special session; he can, for a specified time, adjourn Congress; he has the power to commission all military officers*
47. How, specifically, is the judicial branch structured? ➔ *it is, officially, rather simple: it has a Supreme Court "and whatever inferior courts the Congress may establish"*
48. How long do justices remain in office? ➔ *as long as they are willing to serve ... unless they are impeached*
49. What are the duties of the Supreme Court? ➔ *to decide all cases arising out of the Constitution itself, any laws enacted by the United States ("in Congress assembled"), concerning treaties, and in which either an Ambassador, Minister or Consul or a State is party; it is also an appellate court in other cases*
50. What does it mean that the United States government is "mixed"? ➔ *it includes the forms of monarchy, aristocracy, and democracy*
51. In what ways are each of these forms present in the U.S. government? ➔ *monarchy: president; aristocracy: Senate; democracy: House of Representatives*

pp. 33–40

Vocabulary Development

The **substantive** limits will be discussed in another section ... (*essential*)

Questions and Comments

52. What, in sum, is a republic? ➔ *a popular, representative government; its powers reside in the people as a whole and are exerted through representatives*
53. What apparent contradiction resides in the whole concept of representative government? ➔ *on the one hand, people are selfish; yet, somehow, by having them combine together, we are expected to believe they will vote for policies and rule in a manner that will benefit all*
54. What danger—expressed most forcefully by Madison—were the founders more concerned about than that the people would become despotic? ➔ *that the*

government itself would not be able to be controlled by the people; as Madison put it: “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself”

55. According to Alexander Hamilton, are the state governments supposed to be superior to, equal to, or inferior to the general government in terms of their power? ➡ *at least equal to*
56. Why is this important? ➡ *because, as Hamilton expressed it, the two governments, by being rivals one of the other, are supposed to provide protection to their subjects (the citizens) against encroachments by the other*
57. Why does Carson say that the phrase State’s Rights is a misnomer? ➡ *because states, strictly speaking, can’t have “rights,” they only have powers; individuals are supposed to own and enjoy rights*
58. According to Carson, what is the major difference between a federal and a confederate system of government? ➡ *he says that, in a federal system, the federal government is permitted to “act directly upon the inhabitants of all the constituent states”; in a confederation, the constituent states alone are permitted to deal with their citizens*
59. Read all the quotations Carson uses to bolster his case: do they back him up? Based on what these other authorities say, do you agree with Carson’s interpretation? Why or why not?
60. Carson quotes Edmund Pendleton who mentions “members” of the Union. Who or what are “members”? What evidence do you have for your view?
61. At the bottom of p. 39, Carson presents evidence for the idea that the United States Constitution was in no way meant to create “a unitary state ... to embrace all English Americans.” He says that if anyone had tried to propose such a thing, “almost every man’s hand would have been against him.” Why does he say such a thing? On what grounds would people have opposed such an idea? ➡ *because the states were distinct and independent entities and were very different one from another and citizens of the various states viewed their own states as defenders of their rights and privileges*
62. What is the difference between a power that is reserved, a power that is delegated, and a power that is enumerated? ➡ *reserved: held; delegated: granted; enumerated: listed*
63. Who or what reserved powers, according to the 10th Amendment to the Constitution? ➡ *the states or the people*
64. Who or what delegated powers, according to the 10th Amendment? ➡ *the states*

65. Who or what had specifically enumerated powers, according to the 10th Amendment? ➡ *the general government*

pp. 40–45

Questions and Comments

66. What does dual sovereignty mean? ➡ *that the states and the general government share the powers of government*
67. What do you think the author meant who said that the states “delegated” some of their powers, but “all of their sovereignty they retained”?
68. Carson says “[t]he concept of sovereignty is alien to our system of government.” On what grounds? ➡ *because our government is not “absolutist,” it is limited; and sovereignty implies absolute government*
69. Whether you agree with Carson’s assessment or not, what is the key point of this section? ➡ *that the general government is to be severely restricted in its powers*
70. What was Patrick Henry’s concern about the government established by the Constitution? ➡ *that it would destroy the state governments, replacing them with a consolidated, centralized government*

pp. 45–51

Vocabulary Development

The government will operate like an **ambuscade**. (*ambush*)

Congress is not authorized to suspend the privilege of obtaining a **writ of habeas corpus** ... (*document ordering a prisoner before a judge*)

Congress is also prohibited to pass **bills of attainder** or **ex post facto** laws. (**bills of attainder**: a legislative action declaring someone guilty without a trial; **ex post facto**: retroactive, affecting the past)

If it works “**corruption of blood**” (*the felon could neither inherit nor transmit property to any heirs*)

Such a person is said to be **attainted**. (*in disgrace*)

The Constitution prohibits Congress to pass any direct or **capitation** tax ... (*a tax of a fixed amount per person*)

... referred to sometimes as a “head” tax or a “**poll**” tax. (*the same as a capitation tax*)

... in the case of the taxation that is in the nature of “**Duties, Imposts, and Excises**” they are to be “uniform throughout the United States.” (**duty**: a tax on imports; **impost**: tax; **excise**: a tax imposed upon a particular commodity)

States are further prohibited to make anything but gold and silver coins **legal tender**. (*legally valid currency*)

States are prohibited to emit **bills of credit**. (paper money)

Questions and Comments

71. For what purposes could taxes be raised by the general government? ➔ *only to pay the debts of the government and to provide for the common defense and general welfare of the United States*
72. What kinds of expenses, then, might be excluded by this provision of the Constitution? ➔ *paying the debts of other governments (foreign aid); providing services or benefits to one state or group of states at the expense of others (Tennessee Valley Authority; Hoover Dam; federal highway improvement programs); making payments to certain citizens when the citizens are providing no specific, Constitutionally-permitted services or benefits to the government (most of the federal "welfare" programs; Social Security)*
73. Are there any kinds of taxes—i.e., actually, purposes for taxes—that might be excluded by this provision? ➔ *how about protective tariffs—taxes designed to keep certain products out of the country?*
74. Why do you think Carson makes a big deal out of the fact that, after defining the taxing powers and purposes, the Constitution then goes on to define specific powers and purposes for which the money could be spent?
75. Why did Madison veto a bill to build some important roads and canals? ➔ *because there was no such power enumerated in the Constitution*
76. Why did Monroe veto a bill to maintain the Cumberland Road? ➔ *for the same reason: there were no such powers granted in the Constitution*
77. What does Carson say about the apparent repetition involved in the taxing clause and then the enumerated powers clause of Article I? ➔ *he says that the only reasonable interpretation is to see both clauses as restrictive: "You may not collect taxes for any but these reasons; you may not spend money for any but these purposes"*
78. What is the "necessary and proper" clause of the Constitution? ➔ *it is the last paragraph of Article I, Section 8*
79. What does it say? ➔ *primarily: that the Congress can enact any laws "which shall be necessary and proper for carrying into execution ... (enumerated) powers (of the Constitution"*
80. Are either the general government of the United States or any of the state governments specifically limited in their powers by the words of the Constitution? If so, how? ➔ *yes; the state governments are specifically precluded from coining money, issuing bills of credit, making anything but gold or silver coins legal tender; passing laws that would impair contracts; etc.*
81. Carson says that, even though there is no specific prohibition in the Constitution against the general

government issuing bills of credit, it is quite clear that there is no "implied power" for this purpose, either. On what grounds does he make this claim? ➔ *on the grounds that the Articles of Confederation specifically allowed such behavior and that very behavior had led to tremendous hardship; since the new Constitution was based off of and written in direct response to the Articles of Confederation, it is quite clear that the founders had no interest in seeing such a practice reappear; moreover, from records of the convention, we can see that the matter was broached and the idea specifically and resoundingly rejected*

82. In sum, how does Carson suggest we should read the Constitution with respect to enumerated and implied powers? ➔ *what is not enumerated is not granted*

pp. 51–56

Questions and Comments

83. Why did Alexander Hamilton feel that a Bill of Rights was not only unnecessary, but actually dangerous? ➔ *because by adding such a set of modifications, the framers would be implying (possibly) that the enumerated Constitutional powers were not all that had been granted to the general government; as it was, he said, the enumerated powers were all that were permitted, and the framers ought not to suggest otherwise through any modification; as he put it, "why declare that things shall not be done which there is no power to do?"*
84. How did Patrick Henry view the matter? ➔ *every government in history has taken the perspective that whatever powers are not "expressly and unequivocally reserved to the people are impliedly and incidentally relinquished to the rulers"*
85. Carson says that the rights mentioned in the Bill of Rights are not granted by the government. Instead, he says, they are "natural" and "inalienable." If this is so, then why were slaves and others (Native Americans) precluded from enjoying these same rights?
86. Ignoring for the moment the problem of slaves and Native Americans, what is the primary purpose of the Bill of Rights: to lay out what rights citizens of the United States may enjoy, or to define limitations on the general government? ➔ *the latter; see, for example, the 1st Amendment: "Congress shall make no law ..."—this is a restriction on the general government, not a positive statement of rights*
87. What is a search warrant and what does probable cause mean? ➔ **search warrant:** *a legal authorization to search; probable cause:* *good reason to suspect that a crime has taken place and/or the person[s] whose effects are to be searched engaged in a crime; there is good reason to suspect that the proof either of the crime or of the person's culpability may be found as a result of a search*

242. What was the rule about sections that had been decided upon: once the decision was made, was it “set in stone,” or could it be revised? ➔ *it could be revised; nothing was to be regarded as final until the entire document was considered final*
243. What advantages or disadvantages did this policy have? ➔ *advantages: participants could consider a section “finished” (to the extent possible for the time being) and move on to other business knowing that, if they realized there was a problem, they could always come back; disadvantage: participants could become worried or distraught that they would never finish the process*
244. To what degree did the delegates to the Constitutional convention fulfill or go beyond their mandate? ➔ *they went way beyond their mandate when they decided to write an entirely new document; they had only been given a mandate to modify the Articles of Confederation*
245. The convention itself faced problems similar to those the delegates had to overcome with respect to representation in the new national congress. How did they decide to accommodate the needs of all the states, no matter what size their populations? ➔ *however many delegates each state had at the convention, each state would vote as a single unit, one vote per state*
246. What does Carson suggest was one of the primary issues that the new (or revised) Constitution had to address? ➔ *the matter of compelling obedience; Carson say—though he shows no evidence for his statement, and I, myself, see no evidence for it within the Constitution as written—that the new general government had to have “the power to use force on individuals”*
- “If sovereignty could not be divided, ... then the general government would have to be sovereign and the states become but districts in a nation.” Carson suggests that the government envisioned by the framers of the U.S. Constitution avoided making the states subdivisions of the national government.... We will see evidence later this year that this “wall of separation” between the general and state governments has long since been breached.
247. What did Madison have to say about the separation of powers and the separation of the source of powers? ➔ *Madison said that to preserve liberty, the executive, legislative, and judicial powers had to be separate and that the source of those powers had to be separate*
248. What did Madison mean by a separation of the “source” of powers? ➔ *it appears that he was referring to a distinction among the powers that elected the powers; in other words, the executive would be chosen by a different group than would, say, the legislators; and the legislators would be chosen by someone other than who chose the judges; yet all of these powers, and all of the sources of power, would have to arise, somehow from the people themselves*

249. How did the convention separate the sources of powers? ➔ *the House of Representatives was to be elected by direct vote of the people; the Senate, by the states; the executive, by electoral college; judges, by appointment with consent of the Senate*
250. The matter of how long the various powers would rule was closely related, in the minds of the convention participants, to the matter of the sources of the various powers in the general government. How long do the various members of the general government serve once they have been chosen? ➔ *Representatives: two years; Senators: six years; executives: four years; judges: life*
251. In your opinion, does the word “compromise” refer to something that is good or bad? Why?
252. What did Franklin say about the decoration on the back of the President’s chair at the convention? ➔ *he said that, at the beginning of the convention, he wasn’t sure whether it was a rising or setting sun; at the end of the convention, he was convinced it was a rising sun*
253. The proposed Constitution said it would go into effect when nine states had ratified it, yet when nine states had ratified, no one did anything. Why? ➔ *because neither New York nor Virginia were among the number of those states, and the nine states realized that without either of those states, the proposed new nation had little hope of surviving*

The U.S. Constitution was ratified by Virginia on June 25, 1788, and by New York on July 26, 1788 (not on July 26, 1787!).

254. Which were the last two of the original 13 states to join the union? ➔ *North Carolina and Rhode Island*

Timeline and Map Activities

- 🕒 **Constitutional convention (summer of 1787)**
- 🕒 **Constitution ratified (by late June 1788; ready for operation by late July 1788)**
- 🕒 **Bill of Rights adopted (1791)**

pp. 215–218

Questions and Comments

255. Summarize the features of the United States’ constitutionally limited government as it was in 1789. ➔ *there were state governments and a general, federal government; the general, or federal, government was called a republic, and all the individual states were to be guaranteed republican governments; the general and state governments mixed the principles of monarchy (single executive), aristocracy (upper house) and democracy (lower house); both general and state governments enjoyed separate and counterbalancing branches: executive, legislative, and judicial; the checks and balances within and among the branches of the various state and general*

governments were further strengthened through counter-balances between the states and the general government

256. According to Carson, what are the historical roots of the American government? ➔ *working backwards: American colonial experience, British government, Western Christian traditions, Romans, Greeks, Old Testament law*
257. Carson suggests there are two possible historical places at which one could note a significant shift in American government. What are they? ➔ *the Civil War and Southern Reconstruction (1861–1877), or three major events that took place in 1913: the 16th and 17th Amendments to the Constitution (Income Tax, Direct-Election of Senators) and passage of the Federal Reserve Act*
258. On which of these two historical epochs does Carson focus? ➔ *the second: the changes that came about as a result of the three great events of 1913*
259. What kind of evidence does Carson use to prove that the general government has shifted dramatically in the last 100 years? ➔ *the increase in government debt per capita (virtually stable from 1800–1900, but increased over 650 times in the 88 years from 1900 to 1988, and more than doubled again from 1988 to 2000⁴³); one could measure expansion of government employee payroll; expansion of government regulation of businesses; expansion of government involvement in foreign affairs*
260. According to Carson, how or why did all of this expansion in government take place? ➔ *because of a drift away from concern to remain true to the Constitution; put another way: the Constitution has been reinterpreted*

pp. 219–226

Cultural Literacy

The seat of the new government: March 4, 1789.

Secretary of State: the head of the U.S. Department of State whose duties include the making and keeping of records.

Secretary of War: administrator of the U.S. Department of War.

Secretary of the Treasury: head of the U.S. Department of Treasury, advises the president on financial policies, reports to Congress on the nation's finances, and is the government's chief financial officer.

43. See home.att.net/~mwhodges/debt_a.htm for this and other astonishing statistics about the federal government debt. Note: there are other ratios of debt that one might want to consider. For example, as the author of the cited web page points out, we may want to consider government debt as a *percentage of Gross Domestic Product* (all the money—or economic value—that everyone produces). Measured in this way, the debt of the general government has increased from about 16% of GDP to 67% today. Measured in this way, too, the debt of the general government hit its peak in 1947—125% of GDP—as a result of World War II.

Attorney General: the chief law officer of the U.S. who is empowered to act in all litigation in which the government is a party and to advise the president whenever required.

Chief Justice of the Supreme Court: he or she presides over the Supreme Court, assigns tasks to the members of the court, and is often in charge of general court administration.

Vocabulary Development

Washington also held **levees** ... (*formal receptions*)

... holding a **cocked hat** with a **cockade** in it ... (**cocked hat** : a hat with the brim turned up in two or three places; **cockade** : a rosette or knot of ribbon)

... it has pleased 20th century Presidents to **cuckold**, in effect, the Vice Presidents who served with them. (*to be unfaithful to*)

Questions and Comments

261. What were the first orders of business once the new Constitution was in place and elections had been held in all the member states? ➔ *to get a quorum in Congress; to have the electoral college elect the first president; to decide how to address the President ("His Highness"? "Mr. President"?)*
262. What kinds of issues, undefined in the Constitution, created some perplexity among the first presidents? ➔ *how formal should they be; how should they fulfill the Constitutional requirement to get the "Advice" of the Senate with respect to treaties*
263. What informal precedent did Washington set that all presidents followed for 140 years? ➔ *to serve no more than two terms*
264. How did this precedent finally get broken, how was it broken, and what happened then? ➔ *FDR ran for a third term and won, but when he died, a Constitutional amendment was passed that prohibited a president to serve more than two terms*
265. What is the Constitutional role of the Vice President? ➔ *to replace the president in case the president should be incapacitated; to preside over the Senate*
266. If the vice president is president of the Senate, then of what branch of government is the Vice President a part of? ➔ *legislative!*
267. Historically, have vice presidents done much with their legislative powers? ➔ *no*
268. What was the first legislative act of Congress? ➔ *a tariff bill which levied a tax on imports of 8 percent*
269. Carson says that, "since it was law, as such measures go, it was a tariff for revenue rather than being especially protective." What does *that* mean? ➔ *it means the government actually intended to receive funds from it; if it*

431. On what basis does Carson say that reconstruction was unconstitutional? ➔ *in that the Constitution did not provide for reconstruction within states*
432. What rules did the Radical Republicans set for the readmission of Southern states to the Union? ➔ *voters, without regard to race or color, must choose delegates to a constitutional convention, which would frame a constitution to be submitted to the voters for their approval, and when they had approved the proposed 14th Amendment, they could organize their government and rejoin the Union*
433. Why did President Johnson veto the bill in which these requirements were outlined? ➔ *because the major part of the bill had to do with subjugating the Southern states beneath military authority*
434. What did Congress do? ➔ *passed the measure over Johnson's veto*
435. Look again at the actual language of the 13th, 14th, and 15th amendments. What is the general thought of each amendment?
436. According to Carson, which part of the 14th Amendment swept away much of the wealth of the South? Do you think he is correct about this? Why or why not? ➔ *the 4th section which prohibited the payment of any debt due to the loss of slaves by emancipation*

pp. 341–343

Cultural Literacy

Slaughter House Cases: the Supreme Court ruled in 1873 that Louisiana could give one meat company the exclusive right to slaughter livestock in New Orleans.⁵⁸

Vocabulary Development

... William James's **Pragmatism** and John Dewey's **Instrumentalism** ... (**Pragmatism:** the doctrine that the meaning of an idea lies in its observable practical consequences; **Instrumentalism:** the doctrine that ideas are instruments of action and that their usefulness determines their truth)

Questions and Comments

437. Do you agree with Carson that “respect for the Constitution was one of the casualties of the Civil War” and that what the leaders of that era did with the Constitution left a legacy to later generations that “the end justifies the means”? Why or why not?

58. Butchers of other companies were allowed to use the slaughterhouses by paying a fee. Many butchers argued that they were denied their rights under the 14th Amendment of the U.S. Constitution. This amendment forbids the states to deny citizens any rights granted by federal law. Miller's interpretation of the law upheld the power of the states to regulate most business without federal interference. The court's decision had the effect of limiting the federal government's power to protect the rights of blacks, most of whom had recently been freed from slavery (World Book, 1999).

438. What do you think of his charge that the leaders of that era taught those who followed to stretch the Constitution as far as possible, evade its restrictions, and amend it to fit whatever you want to do?
439. In your opinion, is Carson correct when he says that the Union victory in the Civil War put a forceful end to serious claims of state sovereignty? Why or why not? Are state governments today actually “puppets of the national government”?

pp. 347–350

Questions and Comments

440. From where does Carson get the term Leviathan?⁵⁹ ➔ *from Thomas Hobbes' 1651 book by that name; the name itself is found in Scripture, Job 3; Ps 74; Ps 104; and Isa 27*
441. What does Leviathan mean? ➔ *a creature of great—awesome, overwhelming—size*
442. As yesterday, Carson uses various means to suggest the growth of the general government. What are some of the measures he uses? ➔ *government receipts, outlays, debt, growth in land area and population (expenditures expanding far more rapidly than population or land area), cabinet departments*

pp. 351–355

Questions and Comments

443. What other measures does Carson use to demonstrate the virtually uncontrolled growth of the general government? ➔ *growth in pursuit of unConstitutional functions and goals; proliferation of “independent agencies”*
444. What is the philosophical ground for this expansion of government functions in the last 100 years? ➔ *socialism*
445. What is the “animating idea” behind socialism? ➔ *that the proper function of government is to provide for the well-being of the people*
446. What was the old (popular at the time when the Constitution was ratified) and what is the new understanding of why governments exist? ➔ *old: to ensure justice and maintain peace; new: to ensure people have “what they need”—i.e., to “take from the rich and give to the poor”*
447. What does the word *totalitarian* mean? (Look it up!)

pp. 357–361

Cultural Literacy

Leviathan: the concept of the *leviathan* finds expression in the Bible, in Jewish *apocalyptic* literature, and in

59. **Note:** for some reason he is wholly inconsistent in his spelling of this word. It is supposed to be *Leviathan*, with an *a* in the last syllable. Far too frequently he spells it *Leviathon*, with an *o*. Please forgive him.

states, all together, “in Congress assembled”; apart from the assembly, “the United States” had no authority

682. If you were to summarize one underlying assumption that went into the Articles of Confederation, what would that assumption be, in your opinion? Do you think this assumption was valid? Why or why not? ➔ *in my opinion: the assumption that the various states would maintain good relations and positive attitudes one toward the other; that they would treat each other in good faith*

The Constitution, Article 1: pp. 534–539

Note: We will be reading the Constitution in greater detail in a few weeks. Today and next week, when we assign portions for you to read, I want you simply to read the Constitution to get a feel for its language and to understand its content and organization. Feel free to highlight and mark it up as you think may help you understand it better. Today, please read Article I.

Constitution Preamble: p. 534

Memorization

Please memorize the Preamble. It states the fundamental purposes of the general government as envisioned by the founding fathers.

Vocabulary Development

We the People of the United States, in order to form a more perfect Union, establish justice, insure **domestic tranquility** ... (peace at home)

Questions and Comments

683. “We the People of the United States”: With whom or what does ultimate sovereignty under the United States Constitution supposedly rest? ➔ *the People themselves*
684. Look back at the preamble to the Articles of Confederation (*Basic American Government*, p. 519): with whom or who did ultimate sovereignty supposedly reside under that constitution? ➔ *with the delegates of the states “in Congress assembled”*
685. What, if anything, is significant about this shift in the source of sovereignty? **Correlated Questions:** When the Congress of the United States of America, under the Articles of Confederation, asked the Constitutional convention to do its work, to whom were the delegates supposed to be responsible? ➔ *to “the United States of America in Congress assembled”*
686. Can you imagine any reasons why the Constitutional convention wrote the Constitution in the way it did, referring to “the People” *rather than* to “the United States in Congress assembled”? ➔ *were they concerned that their work would not be approved by Congress?—remember,*

ber, all 13 states had to agree to any modifications of the Articles of Confederation (see Art. XIII)

687. Since all sovereignty supposedly rested in “the People,” who had to ratify the new, proposed Constitution? ➔ *interesting: not “the People” but at least nine of the individual states!*

Comment: According to Elliott’s *Debates on the Adoption of the Federal Constitution*, Madison thought is “clear that the legislatures were incompetent to the proposed changes.... He considered the difference between a system founded on the legislatures only, and one founded on the people, to be the true difference between a *league* or *treaty*, and a *constitution*.”⁷³

688. “... in order to form a more perfect Union ...” etc.: What are the stated purposes for establishing the Constitution? ➔ *to unify the states more perfectly; to establish Justice, to insure domestic tranquility, to provide for defense; to promote the general welfare,⁷⁴ and to secure liberty for the framers and for their descendants*

Constitution: Article I, Secs. 1–2: pp. 534–535

Questions and Comments

689. “All legislative Powers ... shall be vested in a Congress”: practically speaking, what does this mean? ➔ *the laws of the general government are to be the result of representative government, not the personal whims of any individual (say, the executive branch) nor of the decisions of small groups like make up the decision-makers in the judicial branch (i.e., the Supreme Court)*
690. What does the phrase mean, “the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature”? ➔ *this recognized that most states had more than one legislative branch (i.e., “House” and “Senate”); that the voting requirements for electing members of the various houses of the state legislatures differed; and that the requirements for electing representatives in the “most numerous branch” were usually less restrictive than those for the less numerous branch*
691. What were (and still are) the primary requirements for a person to legitimately win a seat in the national House of Representatives? ➔ *they must be 25 years old, a citizen of the United States for at least 7 years, and an inhabitant of the state from which they are elected*
692. How were the representatives to be apportioned among the states? ➔ *according to how many free per-*

73. Elliot, Jonathan, ed. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 5 vols. Philadelphia: J.B. Lipincott Company, 1901, 4:38, quoted in W. Cleon Skousen, *The Making of America*, Washington, DC: The National Center for Constitutional Studies, 1985, pp. 234–235.

74. We will find that the phrase “general welfare” became a touchstone for major dissension not many years after the Constitution was ratified. Rather than interpreting it here, we will wait for a deep discussion in a few weeks.

sons resided within each state, plus the number of bond-servants (those “bound to service for a term of years”), not including “Indians not taxed” (presumably, some Indians were taxed?), and including three-fifths of the number of “all others”—which would include lifetime slaves

693. How often are the representatives supposed to be reapportioned among the states? ➔ *every ten years, based on a decennial census*
694. What is the minimum number of people that any one representative may represent? ➔ *30,000; “the Number of Representatives shall not exceed one for every thirty Thousand”*
695. Besides representation, what else is to be apportioned among the states according to the decennial census? ➔ *direct taxes*
696. Why is the clause about “each State shall have at Least one Representative” necessary? ➔ *because, though when the Constitution was first written, there were no states with fewer than 30,000 population, as the population grew and the proportions forced the minimums higher, it was conceivable that some state[s] might not meet the minimum requirements; but every state had to be represented not only in the Senate but also in the House; this clause required such representation*
- Currently, Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming each have just one representative.
697. Who is responsible for replacing Representatives if their offices are vacated (say, for death, or some other cause)? ➔ *the “executive authority” of the state that is represented; i.e., usually, the governor*
698. What does it mean to be the “Speaker” of the House of Representatives? ➔ *the name is a carry-over from British parliamentary usage where the Parliament would elect one of its members to speak to the king on its behalf; the “Speaker” also presided over Parliament when it was in session; the Speaker of the House of Representatives in the United States fulfills the same kinds of controlling functions in the House that the British Speaker does in Parliament*
699. What is the responsibility of the House when it comes to impeachment? ➔ *the House is solely responsible for impeachment; no one else can institute an action for impeachment*

Constitution: Article I, Secs. 3–4; Amend. 17: pp. 535–536, p. 549

Vocabulary Development

The Senate shall choose their other Officers, and also a **President pro tempore** ... (the presiding officer of the U.S. Senate in the absence of the Vice President)

Questions and Comments

700. In the Constitution as originally written, how were Senators to be chosen? ➔ *by the legislatures of the states*
701. To whom, then, were the Senators responsible? ➔ *to the states!*
702. According to the seventeenth amendment, paragraph 1, who now chooses Senators? ➔ *the people of each state who will be represented by those Senators*
703. To whom, then, are Senators now responsible? ➔ *to the people*
704. In what ways is this change in election positive or negative? ➔ *by making the Senators more directly accountable to the people, the seventeenth amendment makes the government of the United States more nearly a democracy rather than a republic; on the negative side: it means the state governments have no effective representation in the general government, i.e., it virtually destroys state governments as separate entities from the general government and it works against some of the reasons the founders differentiated the Senate from the House, especially the reason that the founders opposed democratic government: that it subjected citizens to mobocracy; the Senate was supposed to provide a wise and thoughtful buffer between the mob and despotism; with the seventeenth amendment, the United States government moved closer to mobocracy; positively, it appears that popular election may provide some protection against corruption—see note below*

W. Cleon Skousen points out that, following Reconstruction,⁷⁵ some state legislatures were being discredited

because of the oil, railroad, or banking interests which were so prominently represented in these bodies. Others had become dominated and corrupted by political machines. . . . [Some Senators] were found to be confederates of the Standard Oil Company. Others were found to be corporation lawyers representing railroads and banks. . . . Finally, [a] movement took hold in the states and several adopted the procedure of allowing the voters to indicate at the polls their preference for the office of United States Senator. In those states the legislatures would then automatically ratify the vote of the people.”

It is interesting that the House passed [the seventeenth] amendment in 1893, 1894, 1898, 1900, and 1902, but each time the Senate either ignored it or voted it down. Finally, the movement took hold in the states and several adopted the procedure of allowing the voters to indicate at the polls their preference for the office of United States Senator. In those states the legislatures would then automatically ratify the vote of the people.

This trend accelerated until, by 1912, twenty-nine states had senatorial primaries and were therefore choosing their Senators by direct election even though the actual appointment was made by the state legislatures. . . .

75. i.e., in the late 1870s.

The final blow came in 1911 when the *Chicago Tribune* revealed that Senator William Lorimer (R-Ill.) had literally purchased his appointment by whole-sale bribery of the state assembly. The Senate refused to seat Lorimer, but the incident broke down all remaining resistance to the passage of the Seventeenth Amendment.⁷⁶

705. How often are Senators elected? ➔ *once every six years*
706. If this is so, then why are Senators around the country being elected every two years? ➔ *because the Constitution provides that a third of them must be elected at each biennial election*
707. In the Constitution as originally written, what was supposed to happen if a Senatorial seat was vacated? ➔ *if the state legislature was not in session, then the state's executive power (i.e., governor) was supposed to appoint a replacement until the legislature could next meet and elect a replacement*
708. Now what is supposed to happen? ➔ *the state executive is supposed to issue "writ of election" (i.e., legal orders for an election to take place) to replace the Senator; at the same time, the state legislatures may, if they want, empower the executive to appoint a Senator until an election can take place*
709. In October 2000, the former governor of Missouri, who was campaigning for Senator, was killed in a plane crash. In November, when it was time to elect Missouri's next Senator, the late (i.e., dead) former governor received the majority of votes. The governor of Missouri then appointed the dead man's wife to represent Missouri in the Senate. What do you think: does this appointment match the Constitution's provisions? Why or why not? ➔ *to be honest, I don't know; I don't know if the Missouri legislature "empowered the executive to make temporary appointments until the people fill the vacancy by election"—as provided for by the Constitution; if the governor does not issue writs of election, then I expect there has been some kind of breach of the Constitutional provisions*
710. What requirements must a person meet to serve as a Senator? ➔ *they must be at least 30 years old and have been a citizen of the United States for at least 9 years; they must also be an "inhabitant" of the state for which they wish to serve as Senator*
711. Who serves as the Senate's alternative to the House's Speaker? ➔ *the Vice President of the United States*
712. Does the Vice President get to vote in the Senate? ➔ *only in cases of a tie vote*
713. If so, wouldn't that be a mixture of two branches of government (executive and legislative)? ➔ *if the VP were regularly voting in the Senate, then, yes, I think it would be a form of mixture*

714. Is the VP normally in the Senate? ➔ *not normally; here is what I found at the official U.S. Senate page on the web: "From John Adams in 1789 to Alben Barkley in 1952, presiding over the Senate was the chief function of vice presidents, who had an office in the Capitol, received their staff support and office expenses through the legislative appropriations, and who often were not invited to participate in cabinet meetings or other executive activities. In 1953, Vice President Richard M. Nixon changed the vice presidency by moving his chief office from the Capitol to the White House, by directing his attention to executive functions, and by attending Senate sessions only at critical times when his vote, or ruling from the chair, might be necessary. Vice presidents since Nixon's time have followed his example."⁷⁷*

715. What does the president pro tempore do? ➔ *again, quoting from the U.S. Senate's website, "Unlike the vice president, the president pro tempore is a duly elected member of the Senate, able to speak and vote on any issue. . . . (The vice president is not at liberty to address the Senate, except by unanimous consent. Nor should any senator speak while presiding, other than to make necessary rulings and announcements or to maintain order.)"⁷⁸*

Some further comments about the president pro tempore:

Since the end of World War II, it has been traditional for the Senate to elect the senior member of the majority party as president pro tempore. In the earliest years, however, the Senate lacked both established parties and extended seniority. Presidents pro tempore . . . were chosen because of their personal characteristics, popularity, and reliability.

That the Senate took the post of president pro tempore seriously can be seen in the Presidential Succession Act of 1792. Should the offices of president and vice president both become vacant, the president pro tempore would succeed to the presidency, followed by the Speaker of the House. This succession remained in effect until 1886. The arrangement created a serious consequence on at least one occasion. When President Abraham Lincoln was assassinated in 1865, Vice President Andrew Johnson succeeded him, and the president pro tempore, Senator Lafayette S. Foster of Connecticut, became next in line to the White House. Senator Benjamin Wade of Ohio became president pro tempore in 1867. During Johnson's impeachment trial in 1868, had the Senate voted to remove him, Senator Wade would have become president of the United States. Senator Wade . . . cast his vote in favor of conviction, and President Johnson, after his acquittal, objected to placing the president pro tempore in the line of succession because he would therefore be "interested in producing a vacancy."

Vacancies in the office presented a most pressing problem. In the eighteenth and nineteenth centuries, the Senate assumed that it was empowered to elect a president pro tempore only during the absence of a vice president. But what should senators do at the

77. Senate Briefings: President Pro Tempore," www.senate.gov/learning/brief_8.html, November 11, 2000.

78. *Ibid.*

76. W. Cleon Skousen, *op. cit.*, pp. 746–747.

end of a session? Since Congress was customarily out of session for half of each year, what would happen if there were no designated president pro tempore? If the vice president became president, who would preside at the opening of the next Senate session? Rather than settle these problems by statute or rules changes, the Senate for decades relied upon an elaborate charade in which the vice president would voluntarily absent himself from the chamber at the end of the session to enable the Senate to elect a president pro tempore, who would then be available to preside if necessary when the Senate reconvened. Some vice presidents refused to perform this little courtesy.

In 1886 Senator George F. Hoar of Massachusetts expressed concern about the frequency of vacancies in the vice presidency and office of president pro tempore and called for a revision of the succession act. "The present arrangement is bad," he told the Senate, because "during a large portion of the term there is no officer . . . who can succeed." Senator Hoar argued that the Senate did not elect its presidents pro tempore based on any consideration of their fitness to become chief executive. The president pro tempore was by then a senior senator, chosen "for his capacity as a debater and a framer of legislation." Most likely, the president pro tempore would have "little or no executive experience." Hoar then pointed out that no president pro tempore had ever served as president, and only one had even been a candidate for president. By contrast, six secretaries of state had been elected president. Following Hoar's reasoning, Congress in 1886 passed a new law that removed the president pro tempore and Speaker of the House entirely from the line of presidential succession, leaving at its head the secretary of state and the other cabinet members, all non-elected officials.

This was the order of succession until 1947, when, at the urging of President Harry S. Truman, the law was again revised. Having served ten years in the Senate, Truman held the post of vice president only eighty-two days before Franklin Roosevelt's death propelled him into the White House. As a student of history and a fervent democrat, Truman was troubled that the next person in the line of succession was his secretary of state, Edward Stettinius. The secretary had never run for elective office, and as Truman stated, "it was my feeling that any man who stepped into the presidency should have held at least some office to which he had been elected by a vote of the people." Two months after becoming president, Truman proposed restoring the president pro tempore and Speaker of the House to the line of succession.

An interesting feature of Truman's proposal was its reversal of the earlier order of succession, putting the Speaker of the House ahead of the president pro tempore. There were several reasons for this change. In his memoirs, Truman argued that the House Speaker, as an elected representative of his district, as well as the chosen leader of the "elected representatives of the people," should stand next in line to the vice president. Of course, one could make the same argument for the president pro tempore, as the elected official of the people of his state and of the United States Senate. It is likely that specific personalities also played a role in Truman's thinking. There may also have been an institutional factor in Truman's reversal of the roles. Between the 1886 removal of the president pro tempore from the order of succession and 1947, some entirely new leadership

posts had evolved in the Senate: the majority and minority leaders and the party whips. Beginning in the 1920s, when the Democratic and Republican parties first officially designated floor leaders, a number of influential men had been elected majority leader. By 1945, most Washington observers regarded the majority leader as the Senate's functional equivalent of the Speaker of the House of Representatives, while the president pro tempore had become more of a ceremonial office. Had Truman drawn a list of men, rather than offices, he would certainly have included Majority Leader Alben Barkley in the line of succession—indeed in 1948, Truman chose Senator Barkley as his vice presidential running mate. But, for the purposes of legislation, the president recommended inclusion of a constitutionally created officer, the president pro tempore, rather than a party-designated officer, the majority leader. Today the president pro tempore continues to follow the Speaker of the House in presidential succession, followed in turn by the secretary of state and the other cabinet secretaries in the order of their agencies' creation.⁷⁹

716. According to the Senate's document concerning the president pro tempore, what is the order of succession to the presidency should the office of president be vacated? ➤ *first the vice president would come into office, then the Speaker of the House, then the President pro tempore of the Senate, then the secretary of state and all the other cabinet secretaries, in turn, by order of when their agencies were created*
717. What is the Senate's role if or when someone is impeached by the House? ➤ *the Senate must try the case*
718. Was President Clinton impeached? ➤ *yes*
719. If he was impeached, then why wasn't he thrown out of office? ➤ *because he wasn't convicted of the crimes for which he was impeached*
720. So what does that mean? ➤ *people brought accusations against him, but he wasn't convicted*
721. What would it take for the Senate to convict someone of an impeachable offense? ➤ *two-thirds of the members present would have to agree*
722. Who presides over the Senate in case the president is impeached? ➤ *the Chief Justice of the Supreme Court of the United States*
723. If people are convicted of impeachable offenses, what can the Senate do to them? ➤ *only remove them from office and keep them from holding any further offices of public trust under the United States*
724. But what if they have done something to private citizens? ➤ *though the Senate can't do anything, all the rules of law still hold, so the private persons could still sue for redress of grievances*
725. Who controls when elections for Senators and Representatives are to be held? ➤ *the state legislatures; though the Congress can override the states' decisions*

79. *Ibid.*

Some comments about Congress' right to override the state legislatures' wishes in electing legislators for the general government:

Congress left this provision untouched until 1842.... Up to that time it had been the custom to allow voters to have a 'general ticket' on which were listed ALL of those who were running for the House of Representatives [from that state].... This procedure operated to the distinct advantage of the strongest political party, since the party could elect its candidates on a statewide ticket when some of them could not have been elected in their own districts. Consequently, the strong party [would win] all the seats for that state. The Congress decided that the states should divide themselves into congressional voting districts with one representative being elected from each. Thus, the Congressmen from the same state might belong to different parties.

In 1866 the Congress again intervened to compel state legislatures to meet on a certain day and stay in session until they had elected Senators.... [Prior to that time] some of the legislatures would reach an impasse with both houses stubbornly deadlocked. No candidate could be elected and the state would be without a Senator. The new procedure was designed to prevent any legislature from adjourning until they had performed this function.

In 1872 Congress declared a general election day for all of the states. It was set up to take place on Tuesday following the first Monday in November of the even years.

Another change was the use of voting machines, which became legally acceptable in 1899.⁸⁰

726. According to the Constitution as originally written, how often and when must Congress meet, according to the Constitution? ➔ *at least once a year, "on the first Monday of December"—unless they decide upon some other time*

727. Does anything strike you about that phrase? ➔ *it sure strikes me that the founders had no expectation that the business of the general government would be anywhere near as large as it is today!*

Constitution: Article I, Secs. 5–7: pp. 536–537

Questions and Comments

728. Can the two houses of Congress act in any manner they want, or must they follow certain rules with respect to how they treat their members, the penalties they may apply to members who misbehave, and so forth? ➔ *they are perfectly free to treat their members how they want!*

729. Are there any limits placed upon the two houses for expelling members? ➔ *yes*

730. If so, what are the limits? ➔ *at least two-thirds of the members must agree to the expulsion*

731. How "open" must the Congress be about its activities? ➔ *fairly open: both houses must keep journals of*

their activities and publish their journals "from time to time"; their personal voting records must be recorded if a mere fifth of the members demand such a thing; except those parts of the journals "as may in their judgment require Secrecy" need never be published

732. How open is that? ➔ *there are two possible problems with this clause: 1) "from time to time" could be interpreted in such a broad way that it might almost be as good as never having it published; 2) the "Secrecy" clause may require no more than a simple majority vote to be put into effect; if a bunch of Senators or Representatives decided they just didn't want their votes publicized, it wouldn't be too hard for them to make their votes secret; what might "require" their votes to be kept secret?—nothing more than their own self-interest! ... So: a fifth of all members can force a roll-call vote that will be recorded in the journal; but a half-plus-one vote can force the proceedings to remain secret*

733. Why do you think it was important that the Constitution require neither house to adjourn for more than three days (except by permission of the other house) during a Session of Congress? ➔ *my guess: because one house, by itself, is unable to achieve much of anything; significant legislation requires coordination between the two houses*

734. Why the clause about members of Congress being "privileged from Arrest during their Attendance at" or going to or coming from a session of Congress? ➔ *as with so much else in the Constitution: the purpose is to guarantee, to the extent possible, that the government is able to fulfill its business*⁸¹

735. "[F]or any Speech or Debate in either House, they shall not be questioned in any other place": what does this mean and why might it be important? ➔ *as far as I have been able to discern, it does not mean that a private person could be arrested for asking a member of Congress what s/he meant by something s/he said in a speech in Congress; what it is meant to preclude is lawsuits or other actions taken against members of Congress for speaking their minds; Skousen says, "Under Elizabeth and her two successors, members of Parliament were punished for speaking against the crown. Charles I attempted to seize five members of the House of Commons who had opposed him, which contributed to the outbreak of civil war and terminated with the decapitation of the king.... [I]f it were not for this provision (members of Congress) could be sued for libel, slander, or perhaps defamation*

81. Skousen notes that "Arresting a legislator on petty charges was an old device in England to prevent the members of the House of Commons from voting on a crucial issue. Some of this had also occurred in the United States." (Skousen, *op. cit.*, p. 346.) I should note, however, that many members of Congress have abused this Constitutional protection to make it a personal privilege. For example, I know people who live in the Washington, DC area. They say they find cars with congressional license plates parked in all manner of places where and when any "normal" citizen would have his or her car impounded and towed away.—The congresspeople know they can get away with such behavior ... and so they engage in it.

80. W. Cleon Skousen, *op. cit.*, pp. 322–323.

of character if they frankly spoke their minds on certain public issues or against certain public personalities⁸²

736. What is the significance of the first half of the second paragraph of Art. I, Sec. 6 ("No Senator or Representative shall, during the Time for which he was elected, be appointed ...")? ➔ *it protects us from having congressmen create positions for which they can then be appointed ... or raise the pay for a position to which they can then be appointed; if this provision were not included, there would be tremendous potential for votes with a conflict of interest; Skousen notes: "It is necessary to realize that in the beginning, Senators and Congressmen ... were paid so much per day during the short time the Congress was in session. Many ran for office with the hope of getting a permanent job with the government. It was feared that there might be collusion between the President and members of Congress whom he could bribe with promises of well-paying jobs if they voted the way he desired on some critical issue. This provision was designed to prevent this type of corruption. . . . Notice, however, that a Congressman could resign and be appointed to another government job which was already in existence, provided that that member of Congress had not voted to increase the compensation for that job."*⁸³
737. What is the significance of the second half of the second paragraph of Art. I, Sec. 6 ("... and no Person holding any Office ...")? ➔ *this was to protect from conflicts of interest between the various branches of government; as Skousen notes, there had been no such protections in British Parliamentary experience, and so the king had often been able to "buy off" the votes of Commons members because they were beholden to him for their positions in government—the positions that yielded them their primary sources of funds; the founders wanted to be sure that no members of Congress could be "bought off" in this way*
738. According to the Constitution, where must "all bills for raising revenue" originate? ➔ *in the House of Representatives*⁸⁴

82. Skousen, *op. cit.*, p. 347.

83. Skousen, *op. cit.*, p. 348.

84. This provision has not been heeded. As the February 1997 *The Phyllis Schlafly Report* (Vol. 30, No. 7) notes,

One of the Supreme Court's most arrogant decisions, *Missouri v. Jenkins* (1990), upheld a federal judge's doubling of property taxes in Kansas City. . . . The Court simply ignored the Constitution's most peremptory directive, "All Bills for raising Revenue shall originate in the House of Representatives" (Article I, Section 7), and the words of James Madison in *Federalist* No. 48: "The legislative branch alone has access to the pockets of the people." (from www.eagleforum.org/psr/1997/feb97/psrfeb97.html)

Of course, Ms. Schlafly seems to have ignored some more fundamental issues: for example, what is the general government doing messing around in educational issues to begin with? She has also ignored the Constitution-ignoring precedent set by the supposedly conservative Republican (former senator and presidential candidate) Robert Dole, who, in 1982, willingly ignored this Constitutional provision when he initiated a revenue bill in the Senate:

739. According to the Constitution, does the president have any responsibility to consider the Constitutionality of a bill when it is presented to him? ➔ *yes, of course! That is one of the things he is supposed to consider when deciding whether to sign a bill or not*
740. What happens if the president does not sign a bill? ➔ *if Congress is in session, then, after ten days (not including Sundays), the bill automatically becomes law; if Congress is not in session, then, after ten days (not including Sundays), the bill automatically dies; this latter situation is called a "pocket veto"*
741. What happens if the president vetoes a bill? Can it still become law? ➔ *yes, if at least two-thirds of the members of both houses of Congress regarding-pass it*

Constitution: Article I, Sec. 8: pp. 537–538

Vocabulary Development

The Congress shall have Power to lay and collect **Taxes, Duties, Imposts, Excises** . . . (**Taxes**: contributions for the support of a government required of citizens; **Duties**: taxes, especially on imports; **Imposts**: taxes; **Excises**: indirect taxes that are often assessed in the form of licenses and other fees)

To establish an uniform Rule of **Naturalization** . . . (the act of granting full citizenship to one of foreign birth)

Questions and Comments

The words "common defense and general welfare of the United States" have been interpreted in two sharply divergent ways over the years. We will see shortly how this difference in interpretation worked itself out in practice. It is and has been a dismal story.

742. Over what kind of commerce was the Congress to have power to control? ➔ *commerce with foreign nations, among the states (i.e., what is now known as "interstate commerce") and between citizens or companies within and the United States and citizens or companies within the various Indian Tribes in North America*

Skousen notes that the idea of the general government being called upon to "regulate commerce" was, at first, interpreted mostly from the perspective of *encouraging* commerce by regulating how many roadblocks the states could put in the way of free trade. However, very

With Republicans in control of the White House and Senate, it dawned on . . . House Democrats that it might be a cute political move to let Republicans be the originators of tax increases this election year. Out went 193 years of tradition; . . . the power to originate money bills went to the Senate Finance Committee, and Senator Bob Dole seized the chance that an alert House in 1833 denied to Senator Henry Clay.

Although Senator Dole is careful to call his proposal "the so-called revenue bill," everyone in Washington knows it is a money bill originated in the Senate. (From "Three Flip-Flops" by William Safire, *The New York Times*, August 16, 1982, Late City Final Edition, Section A, Page 15, Column 5; see also "G.O.P. Senators Reach Tax Accord," *op. cit.*, July 1, 1982, Late City Final Edition, Section D, Page 1, Column 3)

soon the idea of regulating foreign trade came to include *restrictions*:

In 1807–8 President Thomas Jefferson cut off all trade with Europe. This was attacked on the ground that federal regulation must always be to “preserve” commerce, not destroy it. The Supreme Court [answered] that this power is all-inclusive, and the Congress may decide when it is in the public interest to have the President terminate certain foreign commerce....

Can certain articles be banned from entering the United States? This power has been exercised ever since 1843, when Congress banned the importation of obscene literature. In 1848 Congress set up an inspection service to ban the importation of spurious or adulterated drugs, as well as adulterated food and liquor.⁸⁵

But if the interstate commerce clause of the Constitution restricted states from interfering with commerce between them, it eventually provided the general government one of its favorite means for taking control of Americans’ lives. You need to understand the story; it shows how government regulation can soon expand beyond all bounds that the original authors of a piece of legislation might imagine.

In 1866 Congress gave authority for all railroads operated by steam to be joined together in a single system. At first the courts upheld the authority of the states to supervise the lines within their jurisdiction, but as a result of the panic of 1873 and 1885, hundreds of the small railroads went into bankruptcy and were consolidated into vast interstate systems. Since the states thereby lost their jurisdiction over the railroads, it passed to the federal government, which responded to widespread public demand and passed the Interstate Commerce Act in 1887. This legislation authorized a commission of five men to pass upon the “reasonableness” of the rates charged by railroads for the transportation of goods or persons. By 1910 the Congress had not only authorized the Interstate Commerce Commission to rule on what would be reasonable rates when a complaint was made, but to take the initiative and determine maximum “reasonable” rates whether a complaint had been filed or not....

The transportation acts of 1920 and 1940 authorized the regulating of all national transportation systems, whether by motor, railroad, or water carrier. The government [now] regulates the issuance of securities by these interstate companies.... It controls the extent of the service required by each carrier and determines what steps may be taken to meet competition ...

In 1914 the Supreme Court ruled that the government has exclusive regulatory power over interstate gas and oil pipelines, even though the pipeline is used exclusively in transporting the products of the pipeline owner. In 1927 the court held that the government has exclusive regulatory authority over interstate electric transmission lines, and can regulate the price of such electricity....

In 1938 the commission was authorized to set the price on gas originating in one state but transported to another for wholesale distribution.

In 1934 the Federal Communications Commission was set up to license and regulate all interstate and foreign communication by wire and radio....

In 1938 the Civil Aeronautics Act was passed, under which the Federal Aviation Agency and the Civil Aeronautics Board were set up to regulate all phases of airborne commerce, foreign and interstate....

In 1893 Congress passed the Safety Appliance Act which covered all cars and locomotives engaged in moving interstate traffic. In 1903 this act was extended to include all *equipment* of railways engaged in interstate commerce, whether the particular equipment was used for interstate commerce or not....

In 1907 Congress passed the Hours of Service Act requiring, as a safety measure, that a carrier engaged in moving of interstate or foreign commerce not work for longer periods than those prescribed in the act....

In 1906 and 1908 Congress passed the most notable of these various safety measures in the form of the Federal Employers’ Liability Acts. In the past the state courts had handled all injury cases on the basis of employer-employee contracts made between parties within the state. Congress now asserted federal authority over all injury cases occurring to members of the labor force engaged in interstate commerce. These employees were treated as “instruments” or “agents” of commerce coming under the jurisdiction of the federal government.... The Congress went on to amend these acts until jurisdiction was exerted over the local manufacture, servicing, and repair of anything relating to interstate commerce.

In 1935 the National Labor Relations Act was passed, giving the government jurisdiction over strikes.... This act has been expanded by amendment and judicial interpretation to dominate the entire field of labor relations.

In 1938 Congress passed the Fair Labor Standards Act, giving the government power to prescribe wages, hours, and working conditions....

The Interstate Commerce Commission has engaged in fixing the rates for railroads, interstate bus lines, and waterway shipping companies....

The Agricultural Marketing Agreement Act authorizes the government to fix minimal prices on certain products flowing through interstate commerce, such as milk.

The federal government has fixed prices on gas and oil.... The federal government fixes prices on electricity.... [It] has fixed prices on interstate telephone and telegraph lines as well as radio and television transmission.⁸⁶

James Madison wrote concerning the need for a uniform rule of naturalization:

The dissimilarity in the rules of naturalization has long been remarked as a fault in our system, and as laying a foundation for intricate and delicate questions. In the fourth article of the confederation, it is declared, “that the *free inhabitants* of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of *free citizens* in the several states; and the *people* of each state shall, in every other, enjoy all the privileges of trade and commerce,” &c. There is a confusion of language here, which is remarkable. Why the terms *free inhabitants* are used in one part

85. Skousen, *op. cit.*, p. 400.

86. *Ibid.*, pp. 402–405.

of the article, *free citizens* in another, and *people* in another; or what was meant by superadding to “all privileges and immunities of free citizens” — “all the privileges of trade and commerce,” cannot easily be determined. It seems to be a construction scarcely avoidable, however, that those who come under the denomination of *free inhabitants* of a state, although not citizens of such state, are entitled, in every other state, to all the privileges of *free citizens* of the latter; that is, to greater privileges than they may be entitled to in their own state: so that ... every state is laid under a necessity, not only to confer the rights of citizenship in other states upon any whom it may admit to such rights within itself, but upon any whom it may allow to become inhabitants within its jurisdiction.... In one state, residence for a short term confers all the rights of citizenship: in another, qualifications of greater importance are required. An alien, therefore legally incapacitated for certain rights in the latter, may, by previous residence ... in the former, elude his incapacity....

We owe it to mere casualty, that very serious embarrassments on this subject have been hitherto escaped. By the laws of several states, certain descriptions of aliens, who had rendered themselves obnoxious, were laid under interdicts inconsistent, not only with the rights of citizenship, but with the privileges of residence. What would have been the consequence, if such persons, by residence, or otherwise, had acquired the character of citizens under the laws of another state, and then asserted their rights as such, both to residence and citizenship, within the state proscribing them? Whatever the legal consequences might have been, other consequences would probably have resulted of too serious a nature, not to be provided against. The new constitution has accordingly ... made provisions against them, and all others proceeding from the defect of the confederation on this head, by authorizing the general government to establish a uniform rule of naturalization throughout the United States.⁸⁷

We will discuss citizenship at greater length later this year. It is an extremely hot topic in today's society!

743. Why would uniform laws concerning bankruptcy be of importance? ➡ *to keep cheats and frauds from absconding with funds and running from one state to another*

The matter of coined money is of great significance. Anymore, we hardly think of coins as significant money. “Money” seems to be scraps of paper with special printing on them. Coins are merely bits and pieces of those scraps of paper.

This was not at all the view of the founders! Just one of the framers of the Constitution, James Wilson, commented that “It will have a most salutary influence on the credit of the United States to remove the possibility of paper money.”

744. What is a “post road”? ➡ *a road specifically built to provide a means for transportation of mail*

745. What is the legal name for “the exclusive right” that the government guarantees to an author and an inventor, respectively, for their literary or physical inventions? ➡ *copyright and patent*
746. What is the current “limited time” for which a patent-holder is guaranteed his or her rights? ➡ *17 years*
747. And for how long is an author protected by copyright on items written nowadays? ➡ *for life plus 70 years*
748. According to the Constitution, for how long can a financial appropriation be made for an army? ➡ *for no more than two years*
749. Why do you think the founders placed such a limit on financing an army? ➡ *in order to eliminate the possibility of the United States having a standing (i.e., permanent) army*
750. Does the United States follow the Constitution in this matter? ➡ *no*
751. In your opinion, is this a good thing: a) that the United States ignores the Constitutional restriction and, b) that it has a standing army today? Why or why not?
752. What is “the Militia”? (Do a mini research project on this subject!) Does Congress “provide for organizing, arming, and disciplining, the Militia” as provided for in the Constitution?
753. What “District (not exceeding ten Miles square)” is “the Seat of the Government of the United States”? ➡ *Washington, DC*
754. Does the Congress “exercise exclusive Legislation in all Cases whatsoever, over such District”? ➡ *no*
755. Why not? ➡ *because the citizens of Washington, DC, demanded the right of self-rule*
756. Has there been a Constitutional amendment to enable such behavior? ➡ *no*

Constitution: Article I, Secs. 9–10: pp. 538–539

Questions and Comments

We are returning to consider matters we barely touched on in Week 3. We will return to them at least once more before the year is out. At this moment I want to make sure you understand what the Constitution means. Later on, we will study how the Constitution has been interpreted through the years. Article I, Section 8 dealt with enumerated powers of Congress; Article I, Section 9 deals with acts that are specifically *excluded* or *proscribed*.

757. “The Privilege of the Writ of Habeas Corpus shall not be suspended”: what does that mean? ➡ *the government does not have the right to hold a prisoner without making him available for public inspection in court; the writ of habeas corpus is a legal document that demands a jailer*

87. James Madison, *The Federalist*, XLII.

to “have the body” (“habeas corpus”) out of prison and in court for just such a purpose as I have just expressed⁸⁸

758. “No Bill of Attainder or ex post facto Law”: what does that mean? ➔ *bill of attainder: a legislative act that singles out an individual or group for punishment without a trial; “The Bill of Attainder Clause was intended . . . as an implementation of the separation of powers, a general safeguard against legislative exercise of the judicial function or more simply—trial by legislature.”—U.S. v. Brown, 381 U.S. 437, 440 (1965); ex post facto: law passed after the fact, i.e., a law that criminalizes an action that was completed in the past and that was legal at the time it was done*
759. What is a “capitation tax”? ➔ *a “head” or “poll” tax; i.e., a tax levied “per person” or “per capita”*
760. According to the Constitution as originally written, were all capitation taxes illegal under the Constitution? ➔ *no; only those that would be disproportionate among the populace; put another way, any per capita tax would have to be identical for all citizens—i.e., proportional to the population*
761. What is a “direct” tax? ➔ *that’s a tax that directly affects the citizens of the United States; this is one of those few laws in the Constitution that, as Carson and others have said, permitted the general government to directly touch the citizenry*
762. Why the restriction on taxes or duties laid on articles exported from any state? ➔ *because taxes and duties on imports and exports were to be the prerogative of the U.S. Congress and because any taxes or duties laid by the states would potentially interfere with interstate or foreign commerce—which, again, was to be Congress’ realm*
763. In essence, what is the purpose and significance of Article I, Section 10? ➔ *it says that those powers granted to the United States Congress are not to be engaged in by the states themselves; it clarifies the separate sovereignties of the states and the general government; in sum, it clarifies that the United States are to take care of external matters—foreign relations; the states themselves are to deal with their own internal affairs*

Constitution: Article II, Sec. 1; Amend. XII pp. 539–541, 547

Questions and Comments

764. For how long does a president or vice president hold office? ➔ *four years per term*

88. There are all manner of historical examples where kings and others in power have grabbed innocent people (i.e., people who have committed no crime other than maybe offending the person in power), hiding them away in dungeons or prisons, torturing or abusing them, and never being called to account for their unjust actions. The “privilege of the writ of habeas corpus” is intended to reduce the possibility for such abuses.

765. Do the president’s and vice president’s terms coincide or, for example, does one get elected at a certain time, and the other gets elected at some other time? ➔ *they serve “for the same term”*
766. What are Electors? ➔ *they are people who vote for the President and Vice President of the United States*
767. But I thought the citizens of the United States vote for president and vice president! Is that not true? ➔ *correct: that is not true; citizens may be permitted to vote for Electors, but not for the presidential and vice presidential candidates themselves*
768. According to the Constitution, who sets the rules for how Electors are chosen? ➔ *each state sets its own rules*
769. So is it possible that citizens of the United States might not be permitted to vote for Electors? ➔ *as I read the Constitution, I believe that is true*
770. If citizens of a state were not permitted to vote for Electors, then who would choose the Electors? ➔ *I would imagine that the state legislature could choose; or the governor could be granted the power to appoint . . .*
771. According to the Constitution, how many Electors serve each state? ➔ *as many as there are Senators and Representatives from that state; put another way: the same as the state’s number of Representatives plus two*
772. Who is permitted to serve as an Elector? ➔ *it sounds as if anyone except an office holder under the United States may serve; the Constitution mentions no other stipulations*
773. So is it possible that an Elector might vote differently than the way they are expected to vote? ➔ *according to the Constitution, that is a distinct possibility; I understand that many states have laws that require their Electors to vote in certain ways*
774. As I write this guide, the general government of the United States is in the midst of a presidential election. Indeed, the votes have all been cast, but there is great uproar as a result of the “popular vote” being in favor of one candidate (Al Gore) and the Electoral College vote apparently being in favor of the other candidate (George W. Bush). Please explain how the popular vote can go one way and the Electoral College vote can go another. ➔ *besides the possibility mentioned above, where an Elector votes in a manner other than how they are expected to vote, the biggest reason is because there is not a perfect correlation between the number of citizens in a state and the number of Electors that represent the state (for example, the extremely populous states of New York and California have only as many Senators as do the rather unpopulated states of Montana, and North and South Dakota); moreover, the very smallest states (in terms of population) have three Electors each just like those that are somewhat larger; what this means is that, assuming their Electors vote as they want, the individual voters in small states have a relatively stronger influence*

on who runs the general government than do voters in the most populous states; **therefore**, if the vote around the country is fairly close, and the least populous states go one direction while the most populous states just barely go in the other, it is quite possible for the Electoral College vote to go one way while the “popular” vote goes the other; finally, because the voters in each state know that their votes only count toward electing Electors from their state, if a state is dominated by one party or another, many citizens won’t even vote, or they will do as I have done on several occasions: vote for a third-party candidate who doesn’t have a prayer of actually winning the election, but whose views more accurately reflect what I believe than do either of the two major party candidates, thus the popular vote for either one or both of the major party candidates may be severely depressed compared with what it would be if there were a nationwide election in which every vote counted equally

775. How did Electors vote for president and vice president under the Constitution as originally written, and how do they do it today? ➔ *originally: each Elector voted for two people; whoever got the highest number of votes became president (as long as he received a majority of all votes cast), whoever got the next highest number became vice president; after 1804, when the 12th Amendment passed, each Elector votes specifically for a presidential candidate and, separately, for a vice presidential candidate; whoever gets the most votes for president becomes president (as long as he receives a majority of all votes cast), whoever gets the most votes for vice president becomes vice president (again, as long as he receives a majority of all votes cast)*
776. What happens if no one gets a majority of the Electors’ votes? ➔ *the House of Representatives gets to choose the president from among the top candidates (not exceeding three top candidates); the Senate chooses the vice president from the top candidates (from the two top candidates)*
777. Who is eligible to become president of the United States? ➔ *only natural born citizens who are at least 35 years old and have lived within the United States for at least 14 years*
778. How does that compare to the requirements for Senator or Representative? ➔ *see chart below*

Office	Age	Citizen	Inhabitant
Representative	25	7 years	Of State
Senator	30	9 years	Of State
President	35	Natural Born	14 years in U.S.

779. Why do you think the founders made the rule about the president’s compensation being neither “increased nor diminished during the Period for which he shall have been elected”? ➔ *to keep him and the Congress from engaging in self-seeking behavior*

The Constitution, Articles II–VII: pp. 539–544

Questions and Comments

We will be reading the Constitution in greater detail throughout the weeks. When we assign portions for you to read, we want you to simply read the Constitution to get a feel for its language and to understand its contents and organization. Feel free to highlight and mark it up as you think may help you understand it better. Today please read Articles II–VII

780. Art. III, Sec. 2, Para. 3: Where must criminal trials be held and by whom must they be tried? ➔ *in the state where the crime was committed; by a jury*

Constitution: Article II, Secs. 2–4: p. 541

Questions and Comments

781. What, if any, military responsibilities does the president have? ➔ *he is the Commander in Chief of the Army and Navy as well as of the various state militias if and/or when they are called into service under the United States*
782. Do you think that the fact that the president has these kinds of responsibilities should make it incumbent upon the president to have studied military strategy? Why or why not?
783. What privilege does the president have when it comes to matters of persons who have been proven to have broken U.S. laws? ➔ *he can grant reprieves or pardons ... except in cases of impeachment*
784. What responsibilities does the president have? ➔ *he has the power to make treaties and to appoint ambassadors, consuls, Supreme Court judges, and all other officers of the United States ... unless the Constitution specifically states that an officer is to be appointed by some other means; the Senate must approve all appointments; also, Congress may remove the right and responsibility of appointment from the president and vest it in the courts of law or in the heads of the various governmental departments*
785. Does the president make treaties all by himself? ➔ *no; all treaties must be agreed-to by a two-thirds majority of the Senate*
786. Is there any way for the president to get around the requirement that the Senate approves all appointments? ➔ *yes; if he appoints someone to an office while the Senate is in recess, then that appointment will remain in effect until the end of the Senate’s next session ... which may be just shy of a year from the time the appointment is made*
787. From where does the idea of the “State of the Union” address come? ➔ *from Art. II, Sec. 3, where the president is required to “give to the Congress Information of the State of the Union”*

788. Even though he is the head of the executive branch, may the president propose legislation? Why do you think this is? ➔ yes

789. What kind of powers or authority does the president have over Congress' being in or out of session? ➔ *in extraordinary circumstances, the president may call Congress into session; and if the Senate and House are unable to agree on a time to adjourn, the president is able to cause them to adjourn "to such Time as he shall think proper"*

790. Do you think this power of adjournment provides any possibilities for abuse? ➔ *of course; kings had often disbanded parliaments when the parliaments failed to please the king; when the two houses of Congress are closely and passionately split as they are today, if one house were dominated by the Republicans and the other by the Democrats, I can imagine one of the two, desiring to fulfill the president's will, moving for adjournment, while the other, dominated by the opposition party, refuses to adjourn; the president could step in and force them to adjourn*

791. But why would a president want to adjourn Congress? (Consider what unique powers go to the president when Congress is out of session.) ➔ *he could veto a bill without signing it (see Art. I, Sec. 7, Para. 2); he could appoint various officers of government—including various ambassadorships and consuls—without acquiring Congressional approval (Art. II, Sec. 2, Para. 3)*

792. As the Constitution was written, is this a huge power on the part of a president? ➔ *I don't think so*⁸⁹

793. What other powers and responsibilities belong to the president? ➔ *he is to be the official representative of the United States when dealing with foreign dignitaries ("he shall receive Ambassadors and other public Ministers"); he is supposed to somehow "take Care that the Laws be faithfully executed"; and he must "commission" all the Officers of the United States*

794. What does that mean, "to commission" an officer? ➔ *to grant the necessary powers to an officer*

795. How is "commissioning" different from "appointing"? ➔ *I would compare the difference between these two actions to the difference between becoming engaged and getting married: engagement is when a couple signifies that they "appoint" each other as their intended; the wedding is when they actually receive authority to be married: that is their "commissioning ceremony"*

796. If someone believes the president, vice president, or other official has done something wrong, can these government officials be removed from office? How? ➔ *yes; via impeachment and conviction*

797. For any crime? ➔ *no; only for treason, bribery, or some other "high crime or misdemeanor"*

Constitution: Article III, Sec. 1: p. 542

Questions and Comments

The second word in Section 1, "Judical," should read "judicial."

798. How many United States courts were specifically planned for when the U.S. Constitution was first written? ➔ *just one, though provisions were made for more—if and as Congress thought such additional courts might be necessary*

799. For how long are justices of the United States courts permitted to fulfill their judicial duties? ➔ *for as long as they remain in "good behavior"*

800. There is a provision in Art. III, Sec. 1, that the compensation for judges "shall not be diminished during their Continuance in Office." Why do you think this is? ➔ *so that they cannot be "disciplined" by the other branches for making politically unpopular decisions*

Constitution: Article III, Sec. 2: p. 542

Questions and Comments

801. What is the difference between cases in law and cases in equity? ➔ *cases in law refer to situations where someone is charged with breaking a definite law; cases in equity have to do with situations in which, though no direct law may be involved, there is a matter of justice; some examples of cases in equity with which normal citizens might be involved: if someone hits a baseball through someone else's window: there is no specific law against hitting baseballs through windows, but, clearly, it's "not right" that the owner of the home with the broken window should have to replace his or her own window when it was broken by someone else; or, say, my drain backs up and sewer water flows out of my house into your back yard and even into your basement: what is to be done?—These are "cases in equity"*

802. In general, to what kinds of cases is the United States judicial power supposed to extend? ➔ *cases involving the laws of the United States (including the U.S. Constitution); cases to which the United States as a whole are party (i.e., matters involving treaties, ambassadors, foreign trade, etc.); cases involving one state with another state (including states outside of the United States) or with a person who is not a citizen of that state*

803. What does the phrase "original jurisdiction" mean? ➔ *it means the case comes directly to the court; otherwise, it is appellate jurisdiction, meaning the case must have first wound its way through another court system to be appealed to the United States court*

804. Over what cases do the courts of the United States have original jurisdiction? ➔ *all cases involving am-*

89. However, as we shall see, the government of the United States is hardly run according to Constitutional rule anymore. So, when all is said and done, I'm not sure what the "big deal" may be here.

bassadors, consuls, other public ministers of the United States, as well as all listed cases in which one or more of the states is party

805. For which kinds of cases is the United States court system an appellate court? ➔ *all other listed cases ... unless the Congress declares that certain such cases are not legitimately to be decided by the United States Courts*
806. "The Trial of all Crimes except in Cases of Impeachment, shall be by Jury": does this have anything to do with cases that are not to be tried by any of the courts set up under Article III (i.e., does this apply to trials in state courts)? ➔ *I do not see how it does; this is part of the Constitution of the United States of America; it is not part of the constitution for any of the states themselves; however, it appears that this clause of the Constitution for the general government has now become law for all the states as well and the state courts appear to be being controlled by the dictates of the Supreme Court of the United States*
807. Where are crimes committed against the United States supposed to be tried? ➔ *in the state in which they were committed ... unless they were not committed within a state, in which case they are to be tried at whatever place and time the Congress decides*

Constitution: Article III, Sec. 3; Article IV, Sec. 1–2 (para. 1): pp. 542–543

Questions and Comments

808. According to Article III, Section 3 of the Constitution, do the words *the United States* refer to a singular entity or plural entities? ➔ *plural; notice the use of the third person plural pronouns them and their in reference to the United States*
809. According to the Constitution, what is treason against the United States? ➔ *levying war against them or giving aid and comfort to their (the states') enemies*
810. How difficult should it be to convict a person of treason under the Constitution? ➔ *pretty difficult! the defendant must either confess to the crime, or must be identified by two witnesses as having committed a specific "overt" act of war*
811. "[N]o Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted": what does *that* mean? ➔ *we have looked at attainder several times already; to attain means to "put the finger on" a person; i.e., to convict; more specifically, according to WordNet 1.6 (copyright 1997 by Princeton University), attainder is what may be called civil death, i.e., a cancellation of all civil rights; the word blood in the phrase corruption of blood refers to "blood relatives"—i.e., heirs; corruption of blood means that a person's heirs are viewed as judicially dead, i.e., incapable of receiving an inheritance; forfeiture means what you would expect: the person attainted has his or her property taken away*

("forfeited"); in context, and put in a slightly different order of expression to make it clear, we can interpret the Constitution as saying, "No person convicted of treason shall lose control over his property or be precluded from passing his property on to heirs except during his lifetime."

Comment: The Catholic Encyclopedia says,

While bills of attainder were used in England as early as 1321, ... it was not until the ... [English] civil war that ... this process was first freely used, not only against the living, but sometimes against the dead, the main object in the latter case being, of course, the confiscation of the estate of the attainted person. In the flush of victory which followed the battle of Towton, Edward IV obtained the passage of a sweeping bill of attainder through which the crown was enriched by forfeiture of the estates of fourteen lords and more than a hundred knights and esquires.⁹⁰

Skousen comments:

[D]uring the Civil War ... officers of the military or the United States government who were under oath to serve the Union, but joined the Confederate cause, were declared to be not only rebels but guilty of treason. Action was therefore taken against their estates and many of them were confiscated and sold. Nevertheless, after the death of these individuals, their heirs demanded back the property on the basis of [Art. II, Sec. 3, Para. 2 of the Constitution]. To the shocked amazement of the purchasers, the Supreme Court ruled that the property had to be returned to the heirs. The property of a rebel could be expropriated for the life of the offender, but it could not be permanently "attainted" as far as his family was concerned.⁹¹

812. What does Article IV, Section 1 mean? ➔ *that if a decision is made in one state, the other states will honor it; for example: if a person is judged guilty of murder in one state, he can't flee to another state and demand asylum, or if he is found to owe someone a certain sum of money in one state, he can't flee to another and say, therefore, "I don't owe anyone anything"; the second state has as much responsibility to enforce the judgment of the first state's court as the first state does*
813. How and why was this clause a major bone of contention prior to the War for Southern Independence? ➔ *because courts in the North would not condemn a slave for running away in the same way that the Southern courts would condemn such slaves; the Northern states refused to abide by this provision of the Constitution on what they believed were higher, moral grounds that went beyond the written word of the Constitution*
814. Why and how do you think it has become a major bone of contention in the past few years with respect to battles over the rights of homosexuals? ➔ *if one state declares that a couple is married, then all states are required to honor that decision; if homosexuals in one state*

90. Catholic Encyclopedia, "Attainder," found at www.newadvent.org/cathen/02059c.htm (accessed November 20, 2000).

91. Skousen, *op. cit.*, p. 626.

are declared married, then all other states in the American union are supposed to recognize their marriage

815. Article IV, Section 2, Para. 1 begins with a comment about citizens of each state enjoying the same “privileges and immunities” of the citizens in “the several” states. What does this mean? ➔ *basically: that no state can discriminate against the citizens of other states*

Comments: This means, primarily, that even if you’re not a citizen of a particular state within the Union, if you happen to be present in a state of which you are not a citizen, you are to enjoy all the *legal* protections that a citizen is supposed to enjoy. This does *not* mean that, say, a state in which you have never resided has an obligation to give you “in-state” tuition at a state-sponsored college, or to provide you other special benefits that only resident taxpayers may enjoy.

Constitution: Article IV, Secs. 2 (para. 2)–4: p. 543

Questions and Comments

816. What is the technical word used to describe what happens when a criminal is captured in one state and, upon request of the executive authority of the state from which he fled, is “delivered up”? ➔ *extradition*
817. What does the third paragraph of Art. IV, Sec. 2 (“No person held to Service or Labour in one State ... escaping into another, shall ... be discharged from such Service or Labour”) mean? ➔ *that if a slave escaped from his master and was caught anywhere within the United States, s/he was still legally liable to being returned to his or her master*
818. Art. IV, Sec. 3 places certain restrictions on the formation of new states from the territories of states already in existence. What are those restrictions? ➔ *no new state[s] can be formed either from a portion of one state, or from joined portions of two or more states except by the express permission of the legislatures of the affected states and of Congress*
819. Who or what is supposed to control the property of the United States? ➔ *Congress*
820. Are certain forms of government not permitted within the United States? ➔ *yes; only republican government is permitted; the general government is supposed to “guarantee” a republican government in all the states*
821. What kind of military responsibilities do the United States together owe to each state individually? ➔ *to protect each state against invasion and, upon request of the state legislature (or the executive, if the legislature is not in session) against domestic violence*

Constitution: Articles V–VII: pp. 543–544

Questions and Comments

822. Under what circumstances must amendments to the Constitution be considered? ➔ *when two-thirds of the members of both houses of Congress propose such an amendment or when two-thirds of the states call for a constitutional convention at which such amendments may be proposed*
823. Under what circumstances does an amendment become legally binding? ➔ *when three-fourths of the states’ legislatures or when conventions in three-fourths of the states ratify it (whichever method is approved by Congress)*
824. Two significant limitations were placed upon potential amendments to the Constitution. What were those limitations? ➔ *that no amendment affecting slavery could be made prior to 1808, and that no state could ever be deprived of its equal representation in the Senate*
825. Why is the first clause of Article VI (“All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation”) so important? ➔ *because it establishes a continuity between the old Confederation and the new Union, but, more importantly, it conveyed to creditors that the United States meant to fulfill its financial obligations—a matter of huge importance for the new government as it would have to establish itself on the world stage; as Washington wrote in 1791, “Our public credit stands on that high ground which three years ago it would have been considered as a species of madness to have foretold”⁹²*
826. Why does the Constitution say that it, “and the Laws of the United States ... and all Treaties made ... under the Authority of the United States, shall be the supreme Law of the Land”? ➔ *because if anything else were to be recognized as supreme over the Constitution and the laws and treaties made under it, the Constitution itself could quickly become a “dead letter” (i.e., of no use); too, without this clause, no foreign government could trust any treaty entered into with the United States as effectively binding upon the individual states; further: what else would have made a good “supreme law”?; if any of the individual state constitutions, or any of the laws of the individual states were perceived as supreme over and above the United States Constitution, then the states could nullify the Constitution (i.e., make the Constitution of no force) simply by passing laws of their own and individual making*

According to Skousen, this clause was a foundation stone in establishing a new type of government. Prior to the United States under its present Constitution, he

92. Skousen, *op. cit.*, p. 655.

says, the world had seen two types of republics: the “unitary republic” in which the parliament was supreme (“parliamentary supremacy”) and there had been the “confederation of states republic” in which the constituent states were supreme (“state supremacy”). The British government was a classic example of the parliamentary supremacy government; the United States under the Articles of Confederation were a classic state supremacy government.

[I]t is significant to note that the British Parliament can pass any law it wishes on any subject. It even passes on the constitutionality of its own laws. Furthermore, it is responsible for the well-being of the entire kingdom, top to bottom. It is therefore called a “unitary republic.” The United States, however, operates under the numerous restrictions of the Constitution. No matter what Congress or the states might wish to do, they have to stay within the boundaries of the Constitution. That is why the Founders are credited with the invention of a new kind of republic based on “constitutional supremacy.” This makes the “supremacy clause” the cornerstone of the whole American political structure.⁹³

827. Why do you think this clause didn’t cause great discomfort to the individual states? Wouldn’t they have been worried that they would lose their rights under this supremacy clause? ➔ *actually, I’m amazed that this clause didn’t cause more discomfort than, apparently, it did; but my guess is that the states “signed away” their ultimate sovereignty to the Constitution and the general government because they sensed that the general government would be strictly bound and that the Constitution would be interpreted strictly and narrowly—i.e., according to the intention and meaning of those who wrote it; put another way, the United States would be founded on law rather than litigation*⁹⁴

828. According to the Constitution, to whom or to what are all Senators, Representatives, all officers of the United States, and all state legislators required to swear ultimate allegiance? ➔ *to the Constitution of the United States*

829. What about natural law, the People, God, the “social contract,” etc.? ➔ *no other oaths or tests are required by the Constitution and no such religious tests “shall ever be*

required” as a qualification “to any Office or public Trust under the United States”

830. According to Article VII, who or what was to ratify the Constitution? ➔ *the states: “the States so ratifying the same”*

831. What *mechanism* were they to use in order to ratify it? ➔ *“conventions”*

832. When was the draft of the Constitution “done”? ➔ *September 17, 1787*

Constitution: Amends. 1–10: pp. 545–546

Note: We will be reading the amendments in greater detail in a few weeks. These two weeks, I want you to simply read them to get a feel for the language, content, and organization.

Vocabulary Development

Congress shall make no law respecting an **establishment** of religion ... (*organization*)

... or abridging the freedom of speech, or of the **press** ... (*printing press, news media*)

... to petition the government for a **redress** of grievances ... (*the means of seeking a remedy*)

No person shall be held to answer for a **capital**, or otherwise infamous, crime, unless on a **presentment** or **indictment** of a **grand jury** ... (**capital**: violation of the law; **presentment**: formal statement of a legal matter; **indictment**: written statement charging a person with committing a crime; **grand jury**: a small group of people who evaluate accusations against persons charged with crime)

Questions and Comments

833. In the First Amendment, who or what is prohibited from making laws that either establish or restrain the free exercise of religion? ➔ *the Congress of the United States*

834. What about state governments? ➔ *their powers with respect to religion are not discussed in the Constitution of the United States of America*

The fact that this amendment refers to the United States Congress and *not* to the states is partially the result of—and related to—the fact that at the time it was written, many states had established churches and had laws that restricted certain religious (or non-religious) practices.

835. Besides matters of religion, with what other issues does the First Amendment deal? ➔ *freedom of speech, press, peaceful assembly, and the right to petition the government for redress of grievances*

836. What does the Amendment have to say about these things? ➔ *the United States Congress shall make no laws that limit or impinge on these freedoms or rights in any way*

93. *Ibid.*, p. 657.

94. One of my co-workers is a retired Lt. Colonel in the Air Force. He told me that relatively early in his career in the Air Force, he attended a seminar. The seminar leader gave the participants an example of a type of behavior that clearly broke the Air Force’s written regulations: a general’s wife driving a government-supplied car to do personal business (shop for food at the base commissary).

“Should you report this behavior?” asked the seminar leader.

“Of course!” said the participants. “It’s wrong!”

“Not so fast!” said the leader. “Who says?”

“The regulations do!”

“And who says the regulations are correct?”

“But! ...”

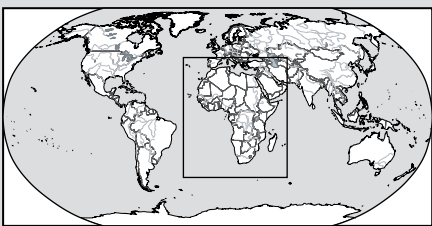
“Nothing is wrong,” said the leader, “until it has been adjudicated.”

Basic American Government—Map 1



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Basic American Government—Map 2



Shadow of the Almighty: The Life and Testament of Jim Elliot

Introductory Comments

Young men and women who have read this book almost universally acclaim it as an exceptional biography, challenging, and inspiring.

To be honest, I'm not sure it really requires a lot of introduction. This was one of Elisabeth Elliot's first literary endeavors. She refined her skills over the years. Please listen to Jim Elliot's heart rather than the specific manner of expression she used, especially when quoting other sources.

Note: There are no questions or notes for this book. ■

The View from Saturday

Introductory Comments

I don't know how much I need to apologize for this: the fact is, this is a very fun book to read, though you will also learn some interesting facts and find yourself being surprised at a number of points. You will also be caused to think. I expect you will mostly think about the human condition and about personal relationships and how to make them grow stronger and healthier.

Enjoy the book! And maybe read it a second time after you finish it. ■

The Scarlet Letter


Introductory Comments

The Scarlet Letter is quintessential American literature. It reflects several common themes in American literature down through the century-and-a-half that there has been what many call a true *American* literature.

Rather than attempting to wax eloquent on Hawthorne's work, I think I will let you read it for yourself and turn your attention, where appropriate, to the comments of Nina Baym who wrote the "Introduction" in your copy of the book.

One note: you can find all kinds of interesting—and, to my mind, scary!—commentaries on books like *The Scarlet Letter*. Critics and commentators go to great lengths to "discover" all manner of "symbolism," "foreshadowings," and "ironies" in the text of books like this.

To a certain degree, I sense I should have you turn to some of these commentators and get your fill of their amazing "insights." (To be honest, I sometimes wonder how insightful their comments really are. But normal students in regular classrooms are often required to read these kinds of commentaries.)

Visit our IG links web page for a good Internet source of insight (or, at least, commentary) on this book . This site has some good comments in its "Analysis" pages. The final "30 Question Quiz" on *The Scarlet Letter* could be a good challenge as well.


Oh, and one last note. We did not schedule "The Custom-House," pp. 7–43. It is intended to give you a "background" for the story—how and why Hawthorne supposedly "came into possession" of the sources for the narrative. In a nutshell, he says he found the embroidered "A" and "several foolscap sheets, containing many particulars respecting the life and conversations of one Hester Prynne"—about whom this story is told.

For the sake of the primary story itself, I did not want to burden you with "The Custom-House." On the other hand, for the sake of your own pleasure, I would like, very much, to commend it to you. Its observations about older men and civil servants, I think, are hilarious.

Chapters 1–3

Cultural Literacy

Note: Please read Nina Baym's comments beginning six lines above the break on p. xii in your book ("*The Scarlet Letter* has something more ...") through xv (top two lines), then the paragraph below the quote, but beginning on the fourth line: "... Hawthorne's words guide us..."

Ann Hutchinson: see note 38, p. 233; for a fuller "introduction," visit our IG links web page for a link to her biography .

Elizabeth: Queen Elizabeth I, 1533–1603, queen of England.

Vocabulary Development

... an **Antinomian**, a **Quaker**, or other **heterodox** religionist ... (**Antinomian:** followers of Anne Hutchinson, meaning people who are against law; **Quaker:** members of the Religious Society of Friends, founded by George Fox in England in the 1600s; **heterodox:** holding unorthodox opinions)

... a degree of mocking **infamy** and ridicule ... (a state of extreme dishonor)

... the misfortune and **ignominy** in which she was enveloped. (great personal dishonor)

... the platform of the **pillory** ... (a wooden instrument on a post with holes for the neck and hands)

Had there been a **Papist** ... (a disparaging term for a Roman Catholic)

... the stings and venomous stabs of public **contumely** ... (a rude expression intended to offend or hurt)

... his **heterogeneous** garb ... (mismatched, completely different)

... he had endeavoured to conceal or **abate** the peculiarity ... (lessen, decrease)

... sergeants about his chair, bearing **halberds** ... (weapon of the 15th and 16th centuries with an ax-like blade and a steel spike mounted on the end of a long shaft)

... a dignity of **mien** ... (bearing, comportment)

Questions and Comments

1. According to what you read in Chapter 1 and Nina Baym's introductory comments, what do you believe some of Hawthorne's purposes are in writing this "romance"? What is his "angle"? What is his view of crime and punishment (or *sin* and earthly punishment for sin)? Do you think you agree with his view? Why or why not?
2. What was "the attitude of [Hester's] spirit"? What do you believe an appropriate attitude of spirit would be for a person in Hester's position?
3. Do you see any irony in Hawthorne's comments about "had there been a Papist among the crowd of Puritans" and the idea of Hester being "an object to remind him of the image of Divine Maternity"? Why, first of all, does Hawthorne place Papists and Puritans side-by-side? And why does he correlate Hester with Mary, the mother of Jesus? Indeed, why do you think he takes "special care" to say that Hester "should remind him ... but only by contrast" of Mary? What is Hawthorne's purpose; what is his purpose in using the words he does right here, and how does his use of words here contribute toward his bigger purpose in the novel as a whole?

4. Hawthorne places certain words in a townsman's voice: "godly Master Dimmesdale," "the wilderness" vs. "godly New England," "a land where iniquity is searched out and punished"; again, how do these words and phrases play to Hawthorne's overarching purpose?
5. In what way is the letter "a mark of shame" upon Hester's bosom? And how might the letter cause her to be "a living sermon against sin"? Do you believe that, indeed, Hester can be such a "living sermon"? Why or why not?
6. What is Hawthorne saying when he suggests that the Puritan community in Massachusetts "accomplish[ed]" so much precisely because it imagined and hoped so little?
7. What kind of conflict is Hawthorne establishing when he speaks of John Wilson whose "kind and genial spirit [though a primary characteristic with him] ... had been less carefully developed than his intellectual gifts, and was, in truth, rather a matter of shame than self-congratulation with him"? As a result of this revelation from Hawthorne, are you led to love or respect Wilson more ... or less? Why?
8. The Reverend Mr. Dimmesdale's exhortation is of key importance. Do you think he is speaking the truth? Could Hester's silence "tempt" her lover? How? In what way? And why? Could her "open ignominy" enable her to "work out an open triumph over the evil within her"? How? In what way? And what of the idea that Hester could, by her silence, be denying her lover "the bitter, but wholesome, cup"? Is her behavior in maintaining silence wicked and condemnable? Why or why not?

Chapters 4–6

Cultural Literacy

the Black Man: see note 55, p. 234.

Vocabulary Development

"... the Indian **sagamos** ..." (see note 50, p. 234)

... redeemed the **leech**'s pledge. (*a synecdoche for a physician of that time?*)

"I know not **Lethe** nor **Nepenthe** ..." (see notes 52 and 53, p. 234)

... that were as old as **Paracelsus**. (see note 54, p. 234)

... **vivify** and embody their images of women's frailty and sinful passion. (*to make vivid*)

... **sumptuary laws** forbade these ... (*laws common in the 13th to 15th centuries to prevent extravagance in private life by limiting expenditure for clothing, food, and furniture*)

... the **plebeian** order ... (*common people, working class*)

... another possibility of toil and **emolument**. (*compensation, benefit*)

... a rich, **voluptuous, Oriental** characteristic ... (**voluptuous**: full of delight and pleasure to the senses; **Oriental**: having to do with the Orient—Asia, the Far East)

... a mystic sisterhood would **contumaciously** assert itself ... (*stubbornly, rebelliously*)

... a state of **preternatural** activity ... (*abnormal, extraordinary*)

... the **phantasmagoric** play of the northern lights. (*fantastic imagery*)

... the **dearth** of human playmates ... (*lack*)

... the humorous **gesticulation** of a little imp ... (*an expressive motion of the body or limbs*)

Questions and Comments

9. Who is Roger Chillingworth?
10. Hester asks Chillingworth, "Hast thou enticed me into a bond that will prove the ruin of my soul?" What do you think Chillingworth means by his reply?
11. According to Hawthorne, what two reasons kept Hester in Boston, despite her shame? What do you think: is Hawthorne conveying a truth (p. 72) when he suggests that something seems to compel people to "linger around and haunt ... the spot where some great and marked event has given color to their lifetime"? Why or why not?
12. To what degree do you think Hester is thinking correctly when she says to herself, "perchance the torture of her daily shame would at length purge her soul and work out another purity that that which she had lost"?
13. What irony is there—or is it irony?—when Hawthorne suggests that "vanity ... chose to mortify itself by putting on ... the garments that had been wrought by [Hester's] sinful hands"?
14. What is Hawthorne trying to accomplish by having Hester bestow "all her superfluous means in charity, on wretches *less miserable than herself*, and who not unfrequently *insulted the hand that fed them*"?
15. Hester "forbore to pray for her enemies lest ... the words of the blessing should twist themselves into a curse"; do you think this was a Christian thing to do? Why or why not?
16. What is the meaning of the phrase "infant immortality"?
17. Once more: what is Hawthorne's purpose—and how does he pursue his purpose—by describing the Puritans as "being of the most intolerant brood that ever lived"?

Chapters 7–8

Cultural Literacy

Bacon, Coke, Noye, and Finch: see note 58, p. 235; look up Sir Francis Bacon in an encyclopedia.

Vocabulary Development

... not a little **ludicrous** ... (*amusing or laughable through obvious absurdity*)

... epoch of **pristine** simplicity ... (*fresh and clean*)

... seemingly **cabalistic** figures and diagrams ... (*mysterious*)

... began to **caper** and dance ... (*to leap and frisk about*)

There was a steel head-piece, a **cuirass**, a **gorget**, and **greaves**, with a pair of **gauntlets** and a sword ... (**cuirass:** breastplate; **gorget:** a piece of armor that protects the neck and throat; **greaves:** leg armor worn below the knee; **gauntlets:** protective gloves)

This bright **panoply** ... (*a splendid, impressive array*)

... the **exigencies** of this new country ... (*urgent requirements, pressing needs*)

... this **convex** mirror ... (*curving outward*)

... an expression on her small **physiognomy**. (*face*)

... an **eldritch** scream ... (*strange, unearthly*)

... **expatiating** on his projected improvements. (*speaking at length*)

... she possessed **indefeasible** rights against the world ... (*incapable of being annulled or made void*)

"... to make a **mountebank** of her child!" (*a flamboyant deceiver*)

Questions and Comments

Regarding the pig that changed the Massachusetts legislature: "In 1642, ... a minor neighborhood spat turned into an historic political crisis in Boston. A Mrs. Sbherman charged in court a Captain Keayne with stealing her pig. Keayne had been earlier fined for charging too much money for imported goods.... The elected members of the legislature of the time, the Deputies of the General Court, supported the woman, but Governor Bellingham and the appointed members, called Assistants, took Keayne's side. The result was that in 1644 the Assistants formed a Senate as higher legislative body, and the lower Deputies of the General Court became independent, and so two legislative bodies ruled. The governor was afraid of the subversive, democratic powers, as noted in Winthrop's Journal at the time. Hawthorne believed that all authority should reside in the people and through them the elected representatives.... Until the Revolution, there was constant argument between the democrats and the

aristocrats, revolving around the Charter [and] just what local authority meant."¹

Regarding the bond-servant, a seven years' slave: Prior to the early 1800s, many immigrants to America had their passage paid by others. Repayment for their passage took the form of bond-servanthood, often of 7-years' duration. We will learn more about bond-servanthood in a few weeks in our Bible studies.

In regards to Governor Bellingham's comments about King James's time and the "court mask": first, the "King James" Bellingham is referring to would have been King James I, the king responsible for the "Authorized King James" Bible. Eldred comments: "Bellingham was a lawyer and member of the gentry, not a Puritan minister, so he might have attended court balls and other such entertainments. A court masque or play would not have amused many Puritans. Here again we see the tension between the British aristocrat and the purest Puritans. The Lord of Misrule acted his part in revels around times such as Christmas, a perpetuation more of pagan customs than of Christian ones—the Puritans did not even celebrate Christmas."²

18. What is Hawthorne's purpose in relating the tale of the pig and referring to that period as an "epoch of pristine simplicity"? Is he effective in achieving his purpose?
19. Has Hawthorne given us any reason to understand why Dimmesdale could speak so knowledgeably about Pearl's father?
20. What could Hawthorne mean when he says that the interview between Mistress Hibbins and Hester illustrated the value of the minister's argument against sundering the relationship between Hester and Pearl? How did the child save her mother from Satan's snare?

Chapters 9–11

Cultural Literacy

the Gobelin looms: there is a tapestry factory in Paris of that name; its tapestries were popular in Hawthorne's day and have always been considered very fine.

Vocabulary Development

Skillful men, of the medical and **chirurgical** profession ... (*surgical*)

... with a **tremulous** enjoyment ... (*timid or fearful*)

... the prickly burrs from a tall **burdock**, which grew beside the tomb. (*a weed with pink flowers that produces cockleburrs*)

... the **somniferous** school of literature. (*sleep inducing*)

... there was a bloody **scourge**. (*a cause of widespread or great affliction*)

1. Eric Eldred at eldred.ne.mediaone.net/nh/sl07-n.html #pig.

2. eldred.ne.mediaone.net/nh/sl08-n.html#holiday-time.

... as an act of **penance**. (*voluntary self-punishment in order to atone for some wrongdoing*)

To the untrue man, the whole universe is false,—it is **impalpable** ... (*difficult to perceive or grasp by the mind*)

... the **undissembled** expression of it ... (*genuine, undisguised*)

Questions and Comments

21. Is there any Scriptural ground for the suggestion that God views our bodies as “gross” and capable of “clogging and obscuring” our spiritual lamps? What is the purpose of fasts and vigils, according to Scripture?
22. How do tapestries of David, Bathsheba, and Nathan the Prophet fit into this story? And why do you think Hawthorne would include the comment about “monkish erudition of which the Protestant divines, even while they vilified and decried that class of writers, were yet constrained often to avail themselves”?
23. What has happened to Roger Chillingworth ... and why?
24. Is there truth in what Dimmesdale and Chillingworth say to one another? Do you think “hearts holding ... miserable secrets ... will yield them up, at that last day, not with reluctance, but with a joy unutterable”? Is Chillingworth correct to suggest that guilty ones should “avail themselves of this unutterable solace” while still alive rather than waiting till the Last Judgment?
25. Chillingworth the physician seems to offer pastoral advice and spiritual counsel to Dimmesdale the minister: “A bodily disease ... may ... be but a symptom of some ailment in the spiritual part.” Do you think it is good counsel?
26. Dimmesdale protests, wildly it seems, that he will not reveal “the” wound or trouble in his soul to Chillingworth or, indeed, to any earthly physician. He speaks, too, of “this” matter (p. 120). What, if anything, has he admitted to Chillingworth by these words?
27. What does Chillingworth see? Why is his ecstasy compared to Satan’s “when a precious human soul is lost to heaven and won to his kingdom”? At this moment, what has Hawthorne made absolutely plain to us and what has he *intimated*—so that we have been led to believe or *assume* it to be true—but yet he has not stated it clearly?
28. Hawthorne demonstrates how a man can confess the truth fully: “[I am] altogether vile, a viler companion of the vilest, the worst of sinners, an abomination, a thing of unimaginable iniquity”—... and yet those who hear him may “reverence him the more.” How is this possible? Hawthorne also describes Dimmesdale as a “subtle but remorseful hypocrite” who had “spoken the very truth, and transformed it into the veriest falsehood.”

How and why can these things be possible? Have you ever engaged in such false truth-telling? How and why?

Chapters 12–13

Vocabulary Development

... a species of **somnambulism** ... (*sleep walking*)

... clog his throat with **catarrh** and cough ... (*nasal congestion, sniffles*)

... this vain show of **expiation** ... (*compensation for a wrong*)

... to be **straitly** looked after! (*strictly, narrowly*)

... the **meed** of gratitude ... (*a fitting reward*)

Questions and Comments

In regards to the “No,” answered the minister. “I had not heard of [the great red letter in the sky]”: One sin leads to another....

29. What time-frame hint for this book do we find on this page—and what does it tell us about the setting of this book? ➔ *Governor Winthrop had died that very day; Governor Winthrop died April 5 (March 26, old style), 1649*
30. What opinion do you hold concerning Dimmesdale’s character as he speaks to Pearl? Why do you hold the opinion you do?
31. What two interpretations has Hawthorne presented for the letter A that was seen in the sky?
32. Hawthorne tells us what is in Hester’s heart: a belief that “the iron link of mutual crime ... brought ... obligations.” Does it? If so, what kind of obligations?
33. Hawthorne opines that “human nature, ... except where its selfishness is brought into play, ... loves more readily than it hates” and that hatred “will even be transformed to love *unless* the change be impeded....” Do you agree or disagree? Why?
34. On pp. 136 and 138 we noted two possible interpretations for a red letter A. Here we find at least one more meaning. What is it? Is the meaning deservedly attached to the letter? Why or why not?
35. From town pariah, Hester has become, it seems, a special “pet” of the citizens. Do you think this portrayal is believable? Why or why not?
36. Hawthorne talks about people who “speculate boldly”—that they “conform with the most perfect quietude to the external regulations of society” because “the thought suffices them”—i.e., they feel no need to put their speculations into action. Do you agree? Why or why not?
37. In what way had Hester shown a “defect of truth, courage, [or] loyalty” in her relation toward the minister?

38. Hawthorne tells us that Chillingworth “had brought himself nearer to [Hester’s] level, or perhaps below it.” Would you agree? Why or why not? And how does this accord with what Chillingworth predicted back on p. 70?

Chapters 14–16

Vocabulary Development

... the closest **propinquity** of the man whom he had most vilely wronged! (*kinship, proximity*)

... **sere** and brown ... (*withered, dry*)

... its cheerful **verdure**. (*lush greenness*)

... the old man was **sedulous** to gather. (*careful, persistent*)

... something **deleterious** and **malignant** ... (**deleterious**: harmful, noxious; **malignant**: deadly, evil)

... her wild and **capricious** character. (*impulsive, unpredictable*)

... remarkable **precocity** and **acuteness** ... (**precocity**: early maturity in mental development; **acuteness**: keenly perceptive)

... with an **asperity** that she had never permitted to herself before ... (*harshness of manner*)

... the mystery of the **primeval** forest. (*original or ancient*)

The **sportive** sunlight ... (*playful, frolicsome*)

... the predominant **pensiveness** of the day ... (*serious thoughtfulness*)

... inherit, with the **scrofula** ... (*a tuberculosis of the lymph glands in the neck that causes swelling; tuberculosis is a contagious—not hereditary—disease, but this was not known in 1850 much less in the late 1640s and may very easily have been believed to be hereditary*)

... its never-ceasing **loquacity** ... (*talkativeness*)

Questions and Comments

It seems that the “Black Man” to whom Pearl refers is meant to refer to a demonic character. I have found no firm references to a story, such as the one Pearl tells, elsewhere in literature, though I would not be surprised to find one. The story as Pearl tells it (p. 161) does seem to make sense of Pearl’s experiences with her mother and the Reverend Dimmesdale. It explains how and why her mother would have a mark, and the minister would keep clutching at his heart. It would also explain why she herself does not yet have such a mark.... Hester’s reply to Pearl (p. 162) that she *has* met the Black Man once also makes some sense.

39. This is an amazing chapter! Chillingworth and Hester agree that he, who had been “a man thoughtful for others, craving little for himself,—kind, true, just, and of constant, if not warm affections” has become a fiend

(pp. 150–151). How is this possible? Or *is* it possible? Is this chapter realistic? Why or why not?

40. On Scriptural and practical grounds, what pastoral advice would you give Hester and Chillingworth if you were their pastor (I mean, you were their pastor and were *not* Arthur Dimmesdale)?
41. Hester exclaims that Roger Chillingworth “betrayed” her and had done her “worse wrong than I did him!” Do you agree? Why or why not?
42. What does Hawthorne mean when he says that Pearl might have “approached the age when she could be ... entrusted with ... her mother’s sorrows ... *without irreverence either to the parent or child*”? How can one irreverence a child by entrusting something to him or her?
43. Why do you think Hester is suddenly “false to the symbol on her bosom”? And why does she say, outright, “What know I of the minister’s heart?”
44. What does the word *wanted* mean in the sentence, “[Pearl] wanted ... a grief that should deeply touch her”? How could grief “humanize” a person?
45. To whom or what do you think Hester is referring when she says she met the Black Man once? Is it Dimmesdale? Chillingworth? Satan? No one (i.e., just a false statement to get Pearl to be quiet)? ... What leads you to your conclusion?
46. What does it mean: “Death was too definite an object to be wished for, or avoided”?

Chapters 17–19

Vocabulary Development

... in the **misanthropy** of her own trouble ... (*hatred or mistrust of humankind*)

... he was only the more **trammelled** by its regulations ... (*restrained, restricted*)

... in **extenuation** of his crime ... (*partial excuse*)

... the very remorse that **harrowed** it ... (*inflicted great distress or torment*)

... the **inscrutable** machinations of an enemy ... (*obscure, difficult to understand*)

... the heavy doom which he was now **expiating**. (*atoning for*)

... a squirrel is such a **choleric** and humorous little personage ... (*excitable, irascible*)

... a **nymph**-child, or an infant **dryad**, or whatever else was in closest sympathy with the antique wood. (**nymph**: one of the minor divinities of nature in classical mythology that are represented as beautiful maidens dwelling in the mountains, forests, meadows, and waters; **dryad**: a wood nymph)

... could not find her **wonted** place ... (*accustomed*)

... **imperious** look and gesture. (*urgent, pressing*)
 ... mollified by her **entreaties** ... (*pleas, earnest requests*)
 ... the **cankered** wrath of an old witch ... (*fretful, ill-natured*)
 ... her mobile **physiognomy** ... (*face*)
 ... so slight and **irrefragable** ... (*indisputable, unquestionable*)
 ... this **importunately** obtrusive sense of change. (*troublesomely urgent*)
 ... **hoary**-bearded deacon ... (*white with age*)
 ... nor **ought** else ... (*nothing*)
 ... his **buckramed** habit of clerical decorum ... (*stiff, rigid*)
 "... from yonder **potentate** you **wot** of!" (**potentate**: ruler, monarch; **wot**: know)
 "... can but **requite** your good deeds with my prayers." (*repay*)

Questions and Comments

47. Is the title of this chapter—"The Pastor and His Parishioner"—supposed to be ironic? In what sense is Dimmesdale even operating as a pastor?
48. The two ask each other, "Art thou in life?" and "Dost thou yet live?" Do you think these questions mean the same thing? Why or why not?
49. What is the difference between *penance* and *penitence*?
50. "[Chillingworth] has violated ... the sanctity of a human heart," Dimmesdale says. "Thou and I, Hester, never did so!" Agree? Disagree? Why?
51. "Think for me, Hester! ... Resolve for me! ... Advise me what to do." What is your opinion of Dimmesdale at this point?
52. Dimmesdale and Hester plan, they think, a better future for themselves. Suppose they were real people: would their plans work in real life? Why or why not?
53. Hawthorne suggests that being an outcast can free a person from many of the constraints that people within a society may feel. (Hester had become habituated to a "latitude of speculation" not enjoyed by many others; "she roamed as freely as the wild Indian.") What do you think? Is this an accurate or correct observation? Why or why not?
54. Hawthorne goes on to say that shame, despair and solitude had "taught [Hester] much amiss." Do you think Hawthorne himself really believed this (i.e., that she had learned much amiss)? Why or why not?

55. Do you think it is a good thing for a society to cast someone out so that they are able to think so "wildly"? What if a person remains *inside* the society and thinks in that manner? Should they be permitted to stay? Why or why not?
56. Dimmesdale considers what he sees as the alternatives before him: "fleeing as an avowed criminal" or "remaining as a hypocrite." Are these the only two options available to him?
57. Hawthorne speaks more of freedom: "breathing the wild, free atmosphere of an unredeemed, unchristianized, lawless region" and "[t]he stigma gone, Hester [felt] the burden of shame and anguish departed from her spirit"; not only so, but "she took off the formal cap that confined her hair; and down it fell..." [Not even her hair is confined anymore.] What other indications of "freedom" does Hawthorne provide in these two pages?
58. Why do you think Hawthorne creates this wholly unbelievable picture of "a partridge," "a pigeon," "a squirrel," "a fox," and even "a wolf" all made their appearance as Pearl approached her parents so slowly?

Chapters 20–21

Cultural Literacy

the Spanish Main: the coastal region of mainland Spanish America in the 16th and 17th centuries.

Bristol: a city of southwest England.

Election Sermon: see note 71, p. 237.

wormwood: a bitter herb.

aloes: a laxative drug obtained from the processed juice of a certain species of aloe plant.

Vocabulary Development

... craftsmen and other **plebeian** inhabitants of the town ... (*common people, working class*)

... the little **metropolis** of the colony. (*major city*)

... an **inevitable** and weary languor ... (*impossible to avoid or prevent*)

... the **lees** of bitterness ... (*sediment settling during fermentation, dregs*)

... a **cordial** of intensest potency. (*an invigorating and stimulating drink*)

The dress ... seemed an **effluence** ... (*something that flows out*)

... no **gleeman**, with an ape dancing to his music ... (*a medieval itinerant singer; a minstrel*)

... no **Merry Andrew**, to stir up the multitude with jests ... (a buffoon; especially, one who attends a quack doctor; the term is said to have originated from one Andrew Borde, an English physician of the 16th century, who gained patients by facetious speeches to the multitude³)

... the several branches of **jocularity** ... (activity characterized by good humor)

... a friendly bout at **quarterstaff** ... (a long stout wooden staff used as a weapon)

... an exhibition with the **buckler** and broadsword. (a small, round shield either carried or worn on the arm)

... **quaffing** ... draughts of wine or **aqua-vitae** from pocket flasks ... (**quaffing**: drinking heartily; **aqua-vitae**: strong distilled alcohol)

... smiled not **unbenignantly** at the clamor ... (unkindly, ungraciously)

... it excited neither surprise nor **animadversion** ... (strong criticism)

... with such a **galliard** air ... (spirited, lively)

Questions and Comments

59. What is happening here to Mr. Dimmesdale? Is it realistic? Why or why not?
60. "The wretched minister! He had made a bargain..." What kind of bargain had he made? And for what? To what deadly sin had he yielded?
61. Hawthorne claims that certain things would have occurred "not only by the rigid discipline of law, but by the general sentiment which gives law its vitality." What does this mean? Do you agree with the ideas, first, that law offers "rigid discipline" and, second, that law gains its vitality from "the general sentiment" (i.e., from general agreement with its goals)?
62. The crew members from the ship "transgressed, without fear or scruple, the rules of behavior that were binding on all others." Do you think they should have been permitted to do these things when no one else was permitted to act that way? Why or why not?

Chapters 22–24

Cultural Literacy

Prince of the Air: see Ephesians 2:2.

Vocabulary Development

... all the works of **necromancy** ... (black magic, sorcery, conjuring up the dead)

... it breathed passion and **pathos** ... (pity, sympathy)

So **etherealized** by spirit as he was, and so **apotheosized** by worshipping admirers ... (**etherealized**: related to things beyond the earth; **apotheosized**: glorified, exalted)

... how utterly **nugatory** is the choicest of man's own righteousness. (trifling, of no real value)

... an engraved **escutcheon**. (a shield bearing a coat-of-arms)

"On a field, **sable**, the letter A **gules** ..." (**sable**: in heraldry, black; **gules**: a heraldic word for "red")

Questions and Comments

"She assured [the women that] ... a new truth would be revealed, in order to establish the whole relation between man and woman on a surer ground of mutual happiness." I wonder, considering the context of the questions the women were asking, whether Hawthorne was, partially, protesting the apparent inequality between men and women when it came to the way the two are treated in cases of adultery or fornication ... or whether he may have also been looking forward to the day when there would be greater sexual "freedom" and marriage vows would not preclude men or women from engaging in sexual relations outside marriage...⁴

63. Where does Hester place herself to listen to the sermon? When else do we find her in the same region? ➔ see pp. 52, 133–134
64. Is there any special significance to this? If so, what is it?
65. What does it mean: "Pearl's errand as a messenger of anguish was all fulfilled"? "Triumphant ignominy"? What do you think that means? Can there be such a thing?
66. Some people were convinced they saw a scarlet letter upon Mr. Dimmesdale's breast. Among these people, what three interpretations did they place upon the mark? Other people were convinced there was no mark at all upon Mr. Dimmesdale. And what were their interpretations?
67. Hawthorne offers what he calls a "moral": "Be true! Be true! Be true! Show freely to the world, if not your worst, yet some trait whereby the worst may be inferred!" Do you agree with this moral? Why or why not? If this is the appropriate conclusion, then in what manner did Arthur Dimmesdale fail to "show freely ... some trait whereby the worst [might] be inferred"?
68. How does Hester end her life? (I don't mean, how does she kill herself? I mean, in what way does she occupy her time at the end of her life?) ■

4. I should point out: the leaders in the "sexual revolution" of the early 1960s were not really all that revolutionary. There were many advocates of "free love" back in the mid- to late-1800s as well. (See, for example, Hal D. Sears, *The Sex Radicals: Free Love in High Victorian America* (Lawrence, KS: Regents Press, 1977)). The church, at that time, was strong enough, it seems, to save most people from their own foolishness.

3. From www.bibliomania.com/Reference/Webster/data/974.html.

Week 1—Poetry

General Introduction

Poetry is written to be read differently than prose. It is what I like to call “concentrated” writing—like concentrated orange juice, only better.

While an author of normal, high-end prose literature will include allusions, metaphors, and second-level meanings, high-end poets weave literary tapestries in which, sometimes, every sentence and almost every word is laden with meaning—not just on the surface; not even merely on a second level, but on a third or even fourth level as well.

Most of the poems we read this year will have nowhere near this many layers of meaning, but you will—or you ought to—find more than one level of meaning for all but the most whimsical verses.

If you normally read quickly, you need to *slow down* when reading poetry or, at least (again!), all but the most whimsical. If you normally read slowly, you should normally *slow down further*. Savor every word. Take your time. Think about the images, the cadence of the words, the sounds, the flow, and, most of all, the meaning.

As you read serious poems, even those with a strong meter (“beat”) and rhyme, you need to pay closer attention to the *meaning* of the words than to the stylistic elements of meter and rhyme. In other words, read poetry, as much as possible, with a normal “prose” cadence. *Fight* the urge to read in a cadence that galumphs along with the meter; *fight* the urge to emphasize rhyming lines. I don’t mean you ought to *deemphasize* these characteristics when they fit into the normal meaning of the sentences. But you ought not to permit the rhyme and meter to *overwhelm* the meaning! Instead, read poetry as if you were reading any *unrhymed, unmetred* work. Such discipline ought to help you to understand each poem’s unique meanings.

As an educated reader of poetry, you should be asking yourself constantly: what allusions is the author making? What meanings have they made obviously present? What meanings do I think *may* be present?

If you don’t understand something, or have no idea what the author is talking about, see what you can discover through dictionary or encyclopedia research: *when* was the poem written? Is there some clue about the author’s possible meaning based on what historians know of his or her political, social, philosophical, religious, or other views? Of course you should *always* look up words about whose meanings you are unsure!

Week 3—Poetry

Day 3: Shakespeare’s Sonnet 116

We have reproduced Shakespeare’s sonnet below. Since you are going to memorize it over the next six weeks, I will not comment on it or ask you to explain its meaning.

I expect you to take the time to understand the meaning of both the words *and* the phrases (*bark; bending sickle; bending sickle’s compass; etc.*). What is this sonnet about? What does it mean? Why is it powerful?

Take the time to meditate on it!

“Sonnet 116”

by William Shakespeare

Let me not to the marriage of true minds
Admit impediments. Love is not love
Which alters when it alteration finds,

Or bends with the remover to remove:
O, no! it is an ever-fixed mark,
That looks on tempests and is never shaken;
It is the star to every wandering bark,
Whose worth’s unknown, although his height be
taken.

Love’s not Time’s fool, though rosy lips and cheeks
Within his bending sickle’s compass come;
Love alters not with his brief hours and weeks,
But bears it out even to the edge of doom.
If this be error and upon me proved,
I never writ, nor no man ever loved.

Day 5

“Hamlet’s Soliloquy”

by William Shakespeare

To be, or not to be; that is the question;
Whether ’tis nobler in the mind to suffer
The slings and arrows of outrageous fortune,
Or to take arms against a sea of troubles,
And by opposing end them. To die: to sleep:
No more; and by a sleep to say we end
The heart-ache and the thousand natural shocks
That flesh is heir to; ’tis a consummation
Devoutly to be wished. To die; to sleep;
To sleep: perchance to dream: aye, there’s the rub;
For in that sleep of death what dreams may come,
When we have shuffled off this mortal coil,
Must give us pause: There’s the respect
That makes calamity of so long life;
For who would bear the whips and scorns of time,
The oppressor’s wrong, the proud man’s contumely,
The pangs of despis’d love, the law’s delay,
The insolence of office, and the spurns
That patient merit of the unworthy takes,
When he himself might his quietus make
With a bare bodkin? Who would fardels bear,
To grunt and sweat under a weary life,
But that the dread of something after death—
The undiscover’d country from whose bourn
No traveler returns—puzzles the will
And makes us rather bear those ills we have
Than fly to others that we know not of?
Thus conscience does make cowards of us all,
And thus the native hue of resolution
Is sicklied o’er with the pale cast of thought,
And enterprises of great pith and moment
With this regard their currents turn awry,
And lose the name of action.

3) After reading, write a short description of each of the following:

- the geography (describe the physical setting)
- the characters (the Narrator; William Legrand; Jupiter)
- the cryptography (pay special attention to the deductive reasoning of Legrand)
- the themes (identify any philosophical or life issues)

24. Many interpreters of Poe consider his characterization of Jupiter to be racist. It is true that Poe was opposed to abolition and identified with slave-holding interests in the South. What do you think? Is Poe racist in this story?

25. Someone wrote that the role of Poe's writing is "merely to shake us loose from habitual ruts in our thinking." In what way does he do that in this story?

26. What lessons have you learned about life from this reading?

Timeline and Map Activities

- 📍 Sullivan's Island, near Charleston, SC ❶; Fort Moultrie ❷ (map 1)

The Purloined Letter: pp. 327–344

Questions and Comments

Nil sapientiae odiosius acumine nimio: "Nothing is more hateful to wisdom than too much cunning."

... *the D— Hôtel*: the town house of the Minister D—.

... *non distributio medii*: the logical fallacy of the "undistributed middle term," i.e., inferring that, if all A's are B's, then all B's must be A's.

... *Il y a à parier* ... : "It's safe to say that every commonly held idea, every generally observed convention, is idiocy, for it has suited the greatest number of men." Chamfort was a cynical French moralist.

... *facilis descensus Avern*: an allusion to some lines of Vergil, meaning, roughly, "The road to hell is easy enough to travel; getting back up is the real problem."

... *Un dessein si funeste, / S'il n'est digne d'Atrée, est digne de Thyeste*: lines from *Atrée*, an 18th-century French tragedy by Crébillon. The general gist: Atreus and Thyestes were brothers. Thyestes seduced Atreus's wife who then bore a son, Plisthenes. Later, in revenge, Atreus butchered and cooked Plisthenes and served up choice morsels to Thyestes, who enjoyed the snack until he discovered what he was eating.

The lines seem to say, "Such a dire scheme, if unworthy of Atreus, is worthy of Thyestes," or, more loosely: "This scheme may have been unworthy of Atreus, but Thyestes deserved what he got." ■