

# You Can't Must Legislate Morality

## “Social Facts” and Their Origins

Social facts are created by those in power and accepted within society.

Social facts exist only because people in society agree upon them.

They are not based on nature, science, biology, or God (e.g. money, legal marriage, and law).

Social facts are shaped by shared understanding and influence human behavior.

Thin about the value of money versus the value of a pre-born child, which is a moral fact.

## Legal Positivism vs Natural Law

Legal Positivism defines law as commands from those in power. Natural Law concerns itself with objective morality and true justice (giving to others what they are due).

Law is what those in power posit (legal positivism).

Natural law provides the ethical foundation that positive law must respect.

Positive law remains secular and created by human authority.

Natural law is not the law of the land but a philosophical basis for just laws.

## Historical Perspectives on Natural Law

Washington referenced "the hand of Providence" and "natural rights."

Lincoln believed *right makes might* and emphasized duty based on moral understanding.

Early America integrated natural law into governance and moral reasoning.

Rights are pre-political and endowed by God, not granted by government. The Declaration of Independence states all men are created equal with unalienable rights.

## The Role of Morality and Law in Human History

Before creation, God envisioned moral behaviors for humans.

In Eden, Adam and Eve responded faultlessly for a time.

Post-fall, alienation entered the world, marred human relationships. Humans still possess the imago Dei despite sin.

In a fallen world, government's purpose is to restrain evil, punish wrongdoers, and commend right (see Genesis 9:6, Romans 13:1-7, and 1 Peter 2:13-14).

Natural law underpins positive law, which remains secular.

## Modern America's Rejection of Natural Law

Modern American leaders and policies have moved away from natural law, favoring legal positivism and evolving interpretations.

FDR established himself as a legal positivist/realist through Supreme Court appointments.

Obama viewed the Constitution as a living document, not fixed by natural law.

Contemporary presidents generally reject natural law considerations. This shift reflects a move toward secular, human-centered legal systems.

## The Declaration of Independence and Unalienable Rights

The foundational American document affirms rights as God-given, not granted by government, emphasizing liberty and consent.

Rights are pre-political and endowed by God.

The document underscores the importance of liberty and natural rights.

## Progressive Left's Moral Commandments and Policies

The Progressive Left operates as a de facto religion, legislating its ultimate commitments on social issues, often opposing traditional moral and religious values.

It enforces policies on abortion, gender-affirming care, and compelled speech. It criminalizes biblical teachings on sexuality and human nature. It implements race-based equity policies and defunds traditional policing. It mandates comprehensive sex education and climate emergency measures. It denies religious liberty exemptions and promotes coercive regulations. It functions as a worldview with ultimate explanations, orthodoxy, and salvation promises.

## The Impact of Sharia and Progressive Ideologies

Both systems, when rising to power, are criticized for abandoning Natural Law, leading to tyranny rather than justice. They enforce human whim over objective justice. Only systems rooted in Natural Law and Christian ethics can truly give each his due. Examples include strict punishments for sexual sins and religious restrictions in Islam.

## The Contrast Between Tyranny and Liberty

True justice and liberty depend on adherence to Natural Law, which respects human dignity and moral objectivity. Tyranny enforces human whims and tramples natural rights. Liberty involves exercising God-given rights to life, property, and self-governance. The American experiment aims to preserve civil and religious liberty based on natural rights. Samuel Adams highlighted the importance of maintaining an asylum for liberty on earth.