



Key Terms

Lesson 10 – The American Experiment: Stepping Stones

Affront: An open insult or offense to somebody.

Agent/Agency: Dr. Tackett uses this term to describe the authority position within the Sphere of the State. This lesson examines the biblical design of that agency, and how the Founding Fathers attempted to base the American experiment on biblical foundations.

Alexis de Tocqueville (1805-59): French political thinker who wrote *Democracy in America*. He was a major observer and philosopher of democracy, which he saw as an equation that balanced liberty and equality.

Benjamin Franklin (1706-90): Drafter and signer of the Declaration of Independence, Postmaster General of the Continental Congress, newspaper editor and publisher of *Poor Richard's Almanac*. He formed the first library and first fire department. His interest in science and technology made him famous for his electricity experiments and invention of the lightning rod, Franklin stove and bifocals.

Benjamin Rush (1745-1813): Signer of the Declaration of Independence, attendee of the Continental Congress, physician and first Surgeon General, he had a major influence on the development of American governmental structure. (Rush believed that Americans should have the right to medical freedom in their Constitution, much as the right to freedom of religion is expressly guaranteed in that document).

Bill of Rights: Term that refers to the first ten amendments to the United States Constitution ratified in 1791 and drafted by James Madison. These amendments explicitly limit the Federal government's powers, protecting the rights of the people by preventing Congress from abridging freedom of speech, freedom of the press, freedom of assembly, freedom of religious worship, and the right to bear arms, preventing unreasonable search and seizure, cruel and unusual punishment, and self-incrimination, and guaranteeing due process of law and a speedy public trial with an impartial jury.

Case Study Method: Method of studying law first proposed by Langdell, "Law, considered a science, consists of certain principles or doctrines...Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth, extending in many cases through centuries." This reflected Langdell's belief that law was not based on absolutes but must be viewed as an evolutionary process in which one looks at how law has evolved and what it must next become.

Charles Carroll (1737-1832): A lawyer, member of the Continental Congress, member of the first United States Senate, and signer of the Declaration of Independence.

Charles Eliot (1834-1926): American educator selected as the President of Harvard in 1869. Under Eliot's 40-year administration, Harvard developed from a small college into a modern university. Consequently Eliot was a proponent of Darwin's evolutionary theories and began to implement the teaching of them throughout his school. He hired Christopher Columbus Langdell to introduce this new understanding of law into the Harvard Law School.

Christopher Columbus Langdell (1826-1906): American jurist who taught at Harvard and introduced the new case study method of instruction. His curriculum was first adopted at Harvard, then Columbia law school, and remains today as the standard first-year curriculum at nearly all American law schools. Based on an evolutionary view of life.

Cycle of Nations: Biblical outline of attitudes and resulting events that a nation commonly experiences during its existence. God blesses a nation, that nation becomes satisfied and develops pride, the nation begins to forget God, and God brings judgment upon the nation in order that they might remember, repent and return to God. If they do not remember God, He will bring destruction.

Daniel Webster (1782-1852): United States Senator and Secretary of State. Notable lawyer and one of the greatest orators of his time. His passionate patriotic devotion to preserving the Union led him to find compromises between the northern and southern factions of the country.

Declaration of Independence: The document in which the Thirteen Colonies in North America declared themselves independent of the Kingdom of Great Britain and explained their justifications for doing so. It was ratified by the Continental Congress on July 4, 1776.

Federalist Papers: Series of 85 political essays written 1787-88 with the intention of persuading New York to approve the Federalist Constitution. Primary writers were Alexander Hamilton (51 essays) and James Madison (14 essays). The essays are still considered a classic work of political theory.

George Washington (1732-99): Often labeled "The Father of America." Commander and Chief of the Continental Army in the American Revolutionary War, overseer of the Constitutional Convention, and first President of the United States.

Gouverneur Morris (1752-1816): As chairman of the committee of style during the Constitutional Convention, he was the author of large sections of the Constitution. He is widely known for his words in the Preamble: "We the people of the United States, in order to form a more perfect union..."

James Wilson (1742-98): American jurist, member of the Continental Congress, and signer of the Declaration of Independence. Wilson is most well known for his part (with James Madison) in drafting of the United States Constitution. He also proposed the Three-Fifths Compromise at

the convention, which made slaves count as three-fifths of a person for representation in the House and Electoral College. This proposal is greatly misunderstood today. Wilson and the non-slave states wanted to limit slavery and the power of the slave-states. They didn't want the slave-states to count slaves thus gaining more representatives. The slave-states wanted to count slaves fully. The compromise was the non-slave states attempt to limit slave-state power, NOT to indicate slaves were only 3/5 of a person.

John Adams (1735-1826) : Member of the Continental Congress, drafter (with Benjamin Franklin and Thomas Jefferson) and signer of the Declaration of Independence, considered "Father of the Navy" because of his efforts to establish and strengthen the American Navy, and Second President of the United States.

Natural Law/Law of Nature/Moral Law: Theory that laws exist independently of political legislation, a society or a nation-state because they are fundamental to human behavior. Natural law is opposed to positive law, which is human-made, conditioned by history, and subject to continuous change. The phrase "all men are created equal and endowed by their creator with certain rights" expresses a natural law philosophy.

New England Primer: Small textbook, first printed in 1690 and used through the 19 th century to teach children the alphabet and how to read. It was the intent of the colonists that all children should learn to read because they believed that an inability to read was Satan's attempt to keep people from the Scriptures.

Noah Webster (1758-1843): Often called "The Father of American Education". He wrote the *Blue Back Speller (Elementary Spelling Book)* which help standardize American spelling and was used by pioneer families and schools to teach children to read. Webster has become a household name since he first published *The American Dictionary of the English Language* in 1828.

Patrick Henry (1736-99): First governor of Virginia and member of the Continental Congress. Patrick Henry, Samuel Adams, and Thomas Paine were influential advocates of the American Revolution. He was an eloquent orator and instrumental in the adoption of the Bill of Rights.

Positive Law/Legal Positivism: The claim that the state is the ultimate authority for creating, interpreting and enforcing law. The position that believes that all legal truth is based on the decision of the state.

Samuel Adams (1722-1803): Governor of Massachusetts, signer of the Declaration of Independence, and organizer of the Boston Tea Party; he was an American Patriot who played a major role in starting the American Revolution.

Sir Edward Coke (1552-1634): An English jurist whose writings on the English common law were definitive legal texts for more than 300 years. He was a Member of the Parliament, Speaker of the House of Commons, and England's Attorney General. Every lawyer in early America was trained from Coke's books, and both John Adams and Patrick Henry argued from Coke's treatises to support their revolutionary position against England.

The American Experiment: An experiment conducted by the founding forefathers of the United States to establish a nation built on biblical principles reflecting God's design for government.

Thomas Jefferson (1743-1826): Governor of Virginia, first Secretary of State, principle author of the Declaration of Independence, and third President of the United States. Jefferson is often attributed for the concept of "Separation of Church and State" because of the phrase "wall of separation between church and state" in a letter he wrote to the Danbury Baptist Association in 1802. Jefferson believed the First Amendment had to be enacted in order to prevent the federal establishment of a national denomination; he had no intention of limiting, restricting or regulating public religious practices.

United States Constitution: The founding political document which detailed the structure, roles and responsibilities of the American republic. It was drafted at the Constitutional Convention in 1787 and ratified by nine states in 1788. It created a federal union of sovereign states, and a federal government to operate that union. The preamble begins, "We the people..."

William Blackstone (1723-80): An English jurist and professor who wrote *Commentaries on the Laws of England*. First published in four volumes from 1765-69, this historical treatise on common law still remains the most thorough treatment of the English law ever produced by one man. Every lawyer in early America studied from Blackstone's *Commentaries* and this work served the basis of our legal profession.