

Chapter Ten: Corrupting the Legal System (UPDATED)

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6/13/2018 Updated: 3/28/2023

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The Epoch Times is serializing an adaptation from the Chinese of a new book, [How the Specter of Communism Is Ruling Our World](#), by the editorial team of the [Nine Commentaries on the Communist Party](#).

Table of Contents

1. Law and Faith

2. Law Under Communist Tyrannies

- a. Extralegal Policies of State Terror
- b. Ever-Changing Standards of Right and Wrong
- c. Ignoring the Constitution

3. How Communism Warps the Law in the West

- a. Subverting the Moral Foundations of the Law
- b. Seizing the Powers of Legislation and Promulgation
- c. Twisted Court Interpretations
- d. Restricting Law Enforcement
- e. Using Foreign Laws to Weaken US Sovereignty

4. Restoring the Spirit of the Law

References

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1. Law and Faith

Law is the iron force of fairness and justice that affirms good and punishes evil. What is good and what is evil must be understood by those who write laws. From the perspective of faith, these criteria come from the divine. The teachings of sages and religious scriptures provided the basis for the laws that govern human society.

The Code of Hammurabi, enacted in ancient Babylon, is one of the earliest sets of written laws that have been found. Engraved in the stone tablet above the code itself is a powerful scene: Shamash, god of the sun and justice, bestowing the laws upon King Hammurabi. This is the depiction of a god granting a human sovereign the authority to govern his people using the rule of law.

For Hebrews, the Ten Commandments in the Old Testament were considered to be both divine and secular law simultaneously — a tradition that became the foundation of Western legal culture. From the time of the fourth-century Roman emperors, to the East Roman Justinian I and his successors, to Alfred the Great, the first of Britain's

Anglo-Saxon kings, the legal system took the Ten Commandments and Christian doctrine as its inspiration. [1]

Followers of religion believe that in order to be considered legitimate, the law must accommodate divine standards of good and evil, as well as religious teachings. The thinking behind nonviolent civil disobedience in the United States can be traced back to early Christian doctrine. When Roman emperor Gaius Caligula commanded that his statue be erected within the Temple of Jerusalem and that Christians worship Roman gods, Christians opted to face crucifixion or be burned at the stake rather than obey. To have followed the command would have meant violating the first two Commandments — in other words, the emperor demanded that secular law take precedence over divine commandment, which is sacred and inviolable.

The Ten Commandments can be divided into two categories. The first four describe the relationship between man and God — that is, what constitutes appropriate reverence for God. The other six govern relationships between people and reflect the teaching to love others as you love yourself. Reverence for God is an imperative that enables humanity to maintain, unchanged, the principles of fairness and justice.

The same was true in ancient China, where historically the law was promulgated by imperial decree. The emperor, or “Son of Heaven,” was required to follow providence and the principles of heaven and earth. This is the “Tao,” or Way, imparted by Lao Tzu and the Yellow Emperor. The Han Dynasty Confucian scholar Dong Zhongshu said: “The greatness of Tao originates from heaven. Heaven never changes, and neither does the Tao.” [2] In ancient Chinese usage, “heaven” is not an abstraction of natural forces, but refers to the divine. Faith in the Tao of heaven forms the moral bedrock of Chinese culture. The imperial legislative systems derived from this belief influenced China for thousands of years.

Twentieth-century American legal scholar Harold J. Berman believed that the law coexists with the overall principles of social morality and faith. Even under the separation of church and state, the two are mutually dependent. In any society, the concepts of justice and legality must have their roots in what is considered holy and sacred. [3] The modern legal system retains many facets of religious ceremony that enhance its power.