

“Christ and Liberty” from *The Christian Jural Society News*

by John William

"Any law contrary to the Law of God is no law at all." Sir William Blackstone

This clarity of thinking in the Christian mind of Blackstone stands in its own right. Yet, its true significance is best seen in contrast to the words of United States Supreme Court justices:

"We are all agreed that the First and Fourteenth Amendments have a secular reach far more penetrating in the conduct of Government than to merely forbid an 'established church'... We renew our conviction that 'we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion.'" {1}

Yet, "The first amendment, however, does not say that in every respect there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other." {2}

Another says: "Wilkins, district Judge, in the United States court, has decided that the testimony of an atheist is not admissible!" {3}

And elsewhere, the high court has said consistently that this is a Christian country whose laws presuppose and are built upon Christianity. {4}

Typical is: "Our laws and our institutions must necessarily be based upon and embody the teachings of the Redeemer of mankind. It is impossible that it should be otherwise; and in this sense and to this extent our civilization and our institutions we emphatically Christian." {5}

"Secularism is un-constitutional, preferring those who do not believe over those who do believe. It is the duty of government to deter no-belief religions... Facilities of government cannot offend religious principles." {6}

The only way to reconcile these statements is to take into account the date when they were made, and see the mind of the court which was, in the main, totally contradictory after Lincoln's War, because the Court's mind was largely determined by the whim of Commanders-in-Chief who appointed them.

When Lincoln refused to support the Court's decision in the Merryman case {7} and compel a military officer to comply with a writ of habeas corpus, he sent a message to the Court that has never been forgotten, i.e., the Commander-in-Chief has the last word.

Let us not forget that both Lincoln and Roosevelt 'packed' the Court with men whose intellectual make-up was such as to guarantee that their rulings would align with the will of the Commander-in-Chief.

Elsewhere, where a decision of the Court could not substantially alter existing public policy - after Lincoln's War - decisions could go either way. But, if a decision meant a roadblock of

secularism and Roman Imperial law in official policy, the outcome of the Court's deliberations were a foregone conclusion.

At other times, the Court's decisions were anti-Christian, but not in a way that readily aroused Christian leadership. An ignorant clergy made the task much easier.

The classic example of this is seen when the Court set aside the Rules of Pleading for Courts at-law, (1933-34) which was a specific form of pleading based on Christianity.

Congress gave power to the Court to change the Rules to eliminate 'legal' means whereby Christians could attack the socialization of America and the massive centralization of federal power that took place under F. D. Roosevelt and Lyndon B. Johnson.

When the historical control of the Court's decisions are taken into account, the change in the Court after Lincoln's War, is obvious.

The Court's thinking became clearly secular as it sought to eliminate the Christian idea of law that had for so long kept civil power and the courts in check.

Thus, Berman says, "With the transfer of the principal law-enforcing functions to the sole jurisdictions of the national state [government], the foundation was laid for the separation of jurisprudence from theology and ultimately for the complete secularization of legal thought. This did not occur at once, since the predominant system of beliefs throughout the West remained Christian. It is only in the twentieth century that the Christian foundations of Western law have been almost totally rejected."

"This twentieth-century development is a historical consequence of the Western belief of which St. Anselm was the first exponent, that theology itself may be studied independently of revelation. Anselm had no intention of exalting reason at the expense of faith. Yet once reason was [* 198] separated from faith for analytical purposes, the two began to be separated for other purposes as well. It was eventually taken for granted that reason is capable of functioning by itself and ultimately this came to mean functioning without any fundamental religious beliefs whatever." [The fundamental beliefs are embodied, evidenced, and secured in the Organic Law by the People themselves.]

"By the same token, it was eventually [has been] taken for granted that law, as a product of reason, is capable of functioning as an instrument of secular power, disconnected from ultimate values and purposes; and not only religious faith but all passionate convictions came to be considered the private affair of each individual. Thus, not only legal thought but also the very structure of Western legal institutions have been removed from their spiritual foundations, and those foundations, in turn, are left devoid of the structure that once stood upon them." {8}

The theology of the People in the states is manifested in their customs, usages, institutions and *lex loci* ... through Common Law.

Montesquieu wrote: "A prince who undertakes to destroy or to change the dominant religion in his state is greatly exposed. If his government is despotic, he runs a greater risk of seeing a revolution than he would by any tyranny whatever, which is never a new thing in these sorts of states. The revolution results from the fact that a state does not change religion, mores, and

manners in an instant or as soon as the prince publishes the ordinance establishing a new religion."

"In addition, the former religion is linked with the constitution of the state, and the new one is not attached to it; the first is in accord with the [political] climate [of the People] and the new one often resists it. Furthermore, the citizens find their laws distasteful; they scorn the government already established, suspicions of both religions are substituted for a firm belief in one; in a word, one gives the state, at least for some time, bad citizens and bad believers. {9}

Standards of Christian law held to by the Court before Lincoln, were lost after the War. Decisions were confusing and contradictory, for the Court had no standard of Law by which its thinking was guided or controlled.

In short, the Court was dominated by three factors- the will of the Commander-in-Chief, rationalism/relativism, and social activism.

It didn't really matter what the Court said anyway, since its decisions were held, in the Roosevelt era, to have no binding effect on federal policy or subsequent Court rulings. Binding precedent on all courts disappeared with common law in the Erie Railroad case. {10}

The conclusion of the matter is: When the highest Court in the land, with supposedly the best brains in law, rejected Christianity, the outcome was a foregone conclusion - chaos.

We now turn to a philosophical look at our situation.

If one rejects the absolutes of God and Christ, one is left with but one alternative; relativism, an example of which has already been given above when dealing with the Supreme Court.

In relativism, it's illegal on Monday to murder. On Tuesday, there are extenuating circumstances. On Wednesday, the murderer is held not to be responsible - really - because of his poor upbringing, and a death penalty is denied. On Thursday, the victim is 'really' the one who committed the crime, and on Friday, it's legal to murder. It is now- Thursday morning.

There are those who 'claim' to be religiously neutral after adopting atheism or agnosticism, and make great attempts to project the idea that their view is intellectually defensible; and not only that - objective, as well, at least with respect to religion (meaning Christianity).

The truth is, all systems of thought boil down to two-and two only. There are those who believe in the autonomy of man and man's reason (rationalism/relativism) and those who believe in the sovereign God of Scripture.

All other systems of thought, carefully analyzed, fall into the first or second camp above, and it matters not whether we look at religious or the so-called non-religious mind set, because all thought is religious - at bottom.

Even the Supreme Court has recognized that non-belief systems are still religious. {11}

One can profess to believe in nothing, but the very act of professing, betrays a belief in absolutes. For if absolutes did not exist and one did not believe in them, why speak at all,

unless one believed that others understand, by some absolute standard of meaning that's outside of both.

An atheist or agnostic must presuppose God, to deny Him. Otherwise what's the point?

It's often humorous, when one says that all things are relative, which is nothing but the statement of an absolute maxim.

At bottom, if one denies absolutes as in atheism, or pretends there is insufficient evidence for God's existence as in agnosticism, one can say nothing about the ultimate questions of knowledge and knowing, and one is reduced to wallowing in the hypocrisy of 'humanity,' and cliches like; 'the triumph of the human spirit.'

The Apostle Paul answers them all: "For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who hold the truth in unrighteousness, Because that which may be known of God is manifest in them; for God hath showed it unto them. For the invisible things of Him from the creation of the world are clearly seen, being understood by the things that are made, even His eternal power and Godhead; so that they are without excuse. Because that when they knew God, they glorified Him not as God, neither were thankful, but became vain in their imaginations, and their foolish heart was darkened. Professing themselves to be wise, they became fools." {12}

Religious neutrals are forced by their starting point, or ultimate presupposition, to adopt a stance equivalent to making themselves to be God. This was the hall-mark of French Enlightenment thinkers, i.e., Voltaire, Robespierre, Rousseau, Mirabeau, and many others.

Look what they produced; riot and bloodshed, revolution and carnage, and we must not forget their attack on the Christian church in France upon which so many people relied for sustenance of all kinds.

The reason for the attack was, all nonchristian thought manifests itself in the massive centralization of power in the hands of the omnipotent State. The church was the only power who challenged the excesses and bloodbath of the French Revolutionists.

Thus, it became the object of a great purge to make certain the French people had no allegiance to anything but the State. This fact is forgotten by those who write the 'great' novels of French history on which Hollywood bases so much of its film propaganda.

The will to centralize power in the State is normal in all non-Christian minds and once the non-believers are in power, they seek to mount programs guided by relativistic reason.

Since their ideas are inherently corrupt and they have already rejected the absolutes of God by which to know their own sins, their systems begin to fail almost immediately.

Once granted the assumption of absolute reason, the absolute State is right behind. When things began to fall apart, they seek more power, to 'fix things,' and 'make certain it never happens again!!!' How often do we hear this on the nightly news?

They are never satisfied with any amount of power, until they have it all. It doesn't matter if they preach 'limited' government and local self-government. Being relativists, they cannot define what limited power means!!!

They cannot even tell when to stop gouging the people for more taxes, because they cannot define the point at which higher taxes reach diminishing returns. The reason is, they keep changing the meaning of the law and where the point of diminishing returns may occur.

Relativism is truly Hell on Earth.

Thus, non-christians in law and politics may deny that God, Christ or Scripture have any relevance in civil government. But, the fact is, in the will to create the all powerful, all-knowing, everywhere present State, they are doing nothing more than attempting to imitate the very God they deny, and this, in spite of themselves.

Libertarians pride themselves on what they consider sophisticated argument on law and politics - without mentioning religion, - but they, along with the so-called 'Conservatives' refuse to examine their own position because probing may prove to be embarrassing.

We must not forget that Christ said: "All they that hate Me, love death." He made no mention of a neutral middle in some bell-shaped curve. He also said, "He that is not with Me, is against Me."

'Nuff said.

Christians are often accused as a matter of course, of being all sorts of things when they begin to invade the territories of what has been a non-christian dominated area of life, such as law and politics.

One common charge is that Christians are intolerant of other's views. Of course, this is true, but, Christians have no choice in the matter. Non-christians make this charge because they project onto the Christian, the standards of non-believers. They do not know what its like for the Holy Spirit to lead a man down a road in spite of the man's 'better idea.'

Non-christians tolerate anything, and expect Christians to do the same, while ignoring their own hypocrisy. The one idea all non-christians share is, intolerance of Christians.

Christians have no choice in matters of tolerance. They are under God's Law and the Kingship of the Lord Jesus Christ. Non-christians will always interpret Christians wrong and always construe or imply things in the mind of Christians, that are in fact, the exclusive property and implications of non-christian minds.

Christians did not create the present Roman style, Imperial military government that's controlled the united States since Lincoln's War.

They did not create Aristotle's socialism or Plato's Communism, or that of Marx, Engels and Lenin. Neither Hitler, Mussolini, Stalin, or Roosevelt were Christians. Christians created none of the modern 'One World wanta-be's.

In short, the modern world is purely the product of non-Christian thinking, not Christian.

Of course, there is always a connection assumed between Christianity and the Spanish Inquisition, and this is pointed to as an example of what happens if Christians come to power.

In fact, the Inquisition was conducted by kings that hid behind Christianity and the 'inquiries' that took place were to discover the sources of wealth and property held by victims.

The Inquisition was, after all, a ruse for kings to acquire power and property at the expense of Christian and Jewish families without having to deal with due process.

Does this not sound like America, today. Indeed, things are more sophisticated now, but the Inquisition still goes on - in IRS tax forms.

Then, there is the baggage that comes with the Puritans. In America, it is considerable.

Since Lincoln's War against the states, we've been deluged with massive revisionist history that has sought to dirty Puritan history.

People believe Puritans only dressed in black and white, and wore high-collar shirts, but, if one was to actually look at early paintings of American or English Puritans, one would find exactly the opposite.

Surprise! The modern idea of Puritans dress came from a series of postage stamps printed by the U. S. government, after Lincoln's War.

Puritans are witch burners in every Hollywood movie made, as if this were the legacy of the Puritans in American history.

The truth is, no Puritan in America ever burned a witch. They hung'em, eighteen in all.

The truth is, if one bothers to read the witch trial transcripts, one finds the accused were convicted, primarily, of dealings in drugs as part of their rituals.

Careful reading of the Greek New Testament reveals that the word for 'witch' is, in the Greek, *pharmacais*, i.e., a purveyor of drugs.

The penalty then (and should be now) for dealing in such drugs was death. If men really want to do something about the modern drug problem they could learn a few things from the Puritans.

Puritans are supposed to be very straightlaced about sex. To find the truth, read the Puritan poet John Milton, and then tell us they were straight-laced. Puritans enjoyed sex as much as any. They just believed, as Scripture says, that it should be carried on only between a lawfully wed man and woman.

In fact, Puritans led almost every area of life in England and America. In theology, education, science, art (Rembrandt was a Puritan), law, economics, and in civil government, primarily in the Judiciary they held the first rank.

At their peak, as 4% of the population, they controlled 40% of England's wealth, most of which funded the early colonizing of America. Even the 'City on a Hill' was an idea borne in Puritan theology.

Sam Adams, whose great mind sparked resistance to growing English tyranny was called 'The Father of the Revolution' (a term which he repudiated) and was also known as, 'the last of the great Puritan thinkers.'

Last, over 85% of all universities and colleges founded in early America, beginning with Harvard (1649), were founded and built by Puritans.

The point is, why all the propaganda against Puritans? The answer is found in their adherence to God's Law as binding the powers of the civil authority. Thus, the English Puritans were largely responsible for blocking centralization of power in the hands of the kings and queens and when they came to America they continued to press the same issues.

The real 'crime' of the Puritans was: they held to the family as the cornerstone of all civilization; limited and tightly controlled local civil government; and above all, in the Law of God, which told all men when governments sinned.

For these reasons, and no others that can be verified by real facts of history, Puritans are condemned; because they are an example of what Christians can do when one is serious about Christ and God's Law.

We come now to a question on whether or not there is a form of civil government available to us, not specifically Christian in nature, that provides what non-Christians want in terms of liberty, security of property ownership, etc.

For the answer to this question, we recall that every form of government that has existed on the face of the planet for the last four thousand years, has been non-Christian in character and embodied some form of law not bound to the Scripture - except three, which are, of course, ancient Israel, England, and early America, all of which were clearly based upon and controlled by God's Law at one point or another.

It was this factor that made them great powers and forces for the protection of life, liberty, and property. Revisionists will, of course, disagree with this view. And, casting about for someone to point to as their example of a great non-Christian leader they focus on Jefferson, Lincoln, and Roosevelt. They will exalt anyone - anyone - who has made a contribution to American history - who was not Christian.

So successful has the propaganda been on Jefferson and Lincoln, that even those in law reform movements quote Jefferson, without understanding what he meant by them.

The facts are, Jefferson was selected as the editor for a draft of the Declaration that was assembled by a committee of five, for one reason - his standing with the government of France.

We must not forget that Jefferson was very well liked in the courts of French kings and queens, and later, he was fully accepted by the French Revolutionists.

Since all the colonies had already declared their independence from England, in one form or another, the real point of the Declaration was to send a message to France, to secure their assistance in the War against England.

The Declaration of Independence was thus, primarily an instrument of propaganda aimed at France with Jefferson's name on it, which guaranteed a hearing in the French court.

We must remember also, there were many differences between Jefferson's draft of the Declaration and the edition finally published, because, Jefferson's version read more like a French Enlightenment work, than an American work.

Further, any implication of Jeffersonian influence on the Constitution is a fiction, because he was out of the country, as ambassador to France during the writing of the Constitution.

We come now, to Jefferson's words and their meaning in one of his most famous quotes:

"The tree of liberty must be periodically watered by the blood of patriots."

To understand this, we must remember that Jefferson was a French Enlightenment thinker because this tells us what he really means by the words.

In French Enlightenment thinking the idea of revolution was that periodically (cyclically) society must rebel against tyranny in a national blood-letting by which it purges itself of its national sins.

Such an idea was utterly foreign to the Founding Fathers and is certainly contrary to any Christian view of history and politics, and this explains why, when Jefferson returned his draft of the Declaration, the committee made so many changes in it.

As President we must also remember, like Clinton's election, there was no consensus of support for Jefferson. The election was thrown into the House of Representatives where it took 34 ballots before Jefferson took the Presidency.

Jefferson made deals with everyone he could, to get elected, then broke most of them, before he finished his first term in office. In this sense, Jefferson is the archetype for the modern Presidents that talk out of both sides of their mouth. Indeed, Jefferson, Lincoln, Roosevelt; and Clinton, are all clones of each other, in this respect.

With this, we close our discussion of non-Christian influence on the early American ideas of civil government.

There remains a question of whether or not there has occurred anywhere in history, an example of non-Christian civil governments, that fostered real liberty without the tyranny of a military despotism, other than in ancient Israel, early England, and America.

The fact is, the empires that existed - other than Israel, before the Romans, all sought to dominate and subject the peoples of other lands, by one military form of government, or another.

Assyria, Persia, Egypt, and Greece are typical of conquerors who, like leeches, sought to conquer as much territory as possible to sustain the homeland, because their own system just couldn't sustain itself on its own merits.

When Israel was strong, before the Babylonian conquest, her geographic location acted as a kind of buffer, between Egypt and the others.

After the Babylonian conquest, the Hebrews were in captivity for 70 years and then were returned to Israel and the Holy Land, by Cyrus.

Later, under the influence of prophecy, Israel welcomed Alexander as the agent of God and a compromise was readied by which Israel retained much of her independence.

Greek influence, however, weakened Israel's faith and set her up for Roman conquest. The positive note in the Greek era was the spread of the Greek language that so aided the spread of the Gospel, written in Greek, in Later years.

With the coming of the Roman Imperialism, the world saw the last of the great world powers seen in Biblical prophecy.

The image of the man in Daniel's vision is struck on the feet of mixed clay and iron by the stone cut out without hands. This is the cornerstone of the Christian church, Jesus Christ.

No military power ever successfully conquered Rome and held it. This task was done by the Gospel of Jesus Christ. From that time to this, no other nation on Earth has achieved the completeness and extent of Rome's dominance of the world.

The problem is, too many in the law reform movements have utterly failed to realize this and cower in fear in the face of all the publicity that circulates in their own camp. Indeed, some even direct their entire effort toward informing others on the N.W.O. and continue to propagate myths that were long ago still-bourne, dead on the vine.

One wonders, at times, just whose side are these people on, anyway???

At any rate, the answer to our question above is: There is no example, anywhere, of any non-christian nation spawning any real idea of liberty that was workable. All such nations have relied on the use of military power and conquest to sustain themselves, and all, end in tyranny.

The reason is, all non-christian systems of power are inherently self-contradictory, self-refuting, and self-destructive. All that's required to see this, is enough rope to hang themselves.

This is because all such systems presuppose that power flows from the top -- down, not from the bottom -- up. But, to realize this goal, they must, inevitably become, gods. The state must be, as Ernst Hegel said, god walking on earth.

The idea must lead to centralization of power in the hands of the State (or a few) that, in time, becomes less and less efficient and more and more corrupt, consuming more and more, in men and property -- just to survive.

There is never any thought of such governments changing horses in the middle of the stream and moving, genuinely, towards reform.

In America, at least, all governments must proceed from the bottom to the top, or more correctly, from the bottom - down.

History has shown time and again, that only Christian based civil governments ever succeed, and that all non-christian systems always fail.

Philosophy tells us that all thought based on a non-christian view of life must fail and, if implemented in a government, must result in tyranny. They may preach liberty and scream for tolerance, but once they actually possess the power, they impose a new form of intolerance for Christianity and Christians.

In the end, when we say we are pro-civil government at *The News*, we clearly mean by that, a Christian civil government based specifically on God's Law, not the law of man.

We do not say that American Jural Societies are the only answer to achieving the goal of reconstructing civil government on Christianity, but, until something else comes along, even closer to Scripture, they are the means we have to restore lawful civil authority at the local level.

Our goal is nothing short of complete and total reform of Law and civil government along Christian lines of thought.

We make no place for the rulership of non-christians in our societies because we do not want to recreate the image with feet of iron and clay mixed.

On this basis we are bound to stand by virtue of the most important fact of our existence: that of Jesus Christ, King of Kings, Lord of Lords, whose Law is our Law, and who has given us the heart of flesh to implement that Law according to the Christian law of Liberty and Love.

Endnotes

{1} 333 U.S., at 213, 232.

{2} *Zorach vs. Clauson*, 343 U.S. 306, 307, 313.

{3} Case No. 446, Anonymous, 1 Has. U.S. Reg. (1839) 87. No longer published.

{4} *U.S. vs. MacIntosh*, 283 U.S. 605, 625 (1931);

{5} *Church of Holy Trinity, vs. U.S.*, 143 U.S. 457-458, 465-471.

{6} *School District of Abington Township, vs. Schempp*, 374 U.S. 203, 212, 225 (1963).

{7} *Ex parte Merryman*, Case No. 9,487, 17 Fed. Cases, 144.

{8} Berman, "Law and Revolution" (Harvard U. Pr., 1983), pp. 197-198. [Emphasis added.]

{9} Montesquieu, *Spirit of Laws*, Pt. 5, Bk. 24, chap. 11. [Emphasis and insertions added]

{10} *Erie Railroad v. Thompkins*, 304 U.S. 64.

{11} *Torcaso vs. Watkins*,

{12} Romans 1: 18-22, (KJV).