

Liberty in the Balance

by

Russell R. Standish, founder,
Remnant Ministries
and
Colin D. Standish, president,
Hartland Institute

CONTENTS

SECTION A: The Development of the Principles of Religious and Civil Freedoms

1 [Divine Rights and Human Responsibilities](#)

2 [The Rights and Limitations of Government](#)

3 [Judging the Law](#)

4 [The Role of the Jury](#)

5 [The Judge and the Jury—a Case History](#)

SECTION B: The Erosion of the Bill of Rights at the End of the Twentieth Century

6 [The Declaration of Independence, the United States Constitution, and the Bill of Rights](#).

7 [Erosion of the First Amendment](#)

8 [The Supreme Court Overrides the Fifth Amendment](#)

SECTION C: The History, Philosophy, and Theology of Persecution

9 [The Rise of Tyranny](#)

10 [Toleration or Liberty](#)

11 [The Development of Religious Persecution](#)

12 [The Theology of Persecution](#)

13 [The Papal Encyclical of 1995 and Religious Liberty](#)

SECTION D: The Bible, Christianity, and Freedom

14 [The Ten Commandments and Civil Law](#)

15 [Common Law and Religious Freedom](#)

16 [The Bible in Public Schools](#)

17 [Christians and Politics](#)

SECTION E: The Significance of Sunday Legislation into the Freedom Debate in the United States

18 [The Post Office and Sunday Regulations](#)

19 [The History of Sunday Legislation](#)

20 [Sunday Laws in the United States During the Latter Part of the Nineteenth Century](#)

21 [Judicial Confusion and Inconsistencies Regarding Sunday Laws](#)

SECTION F: The Struggles of Religious Minorities in Britain and the United States

22 [An Anglican Bishop's Support of Religious Freedom](#)

23 [Contribution of the Baptists of England to the Cause of Liberty](#)

24 [Further Contributions of Baptists to the Cause of Religious Liberty](#)

25 [Struggle for Religious Freedom by the Baptists in Virginia](#)

SECTION G: Toward a Perfect System of Civil and Religious Justice

26 [The Jewish System of Justice](#)

27 [Changing Political, Religious, Economic, and Social Patterns](#)

28 [The Genuine Principle of Liberty](#)

29 [Biblical Counsel and Civil Authority](#)

30 [The Author of Liberty](#)

SECTION H: Appendix—The Issues Faced in the Australian Constitutional Convention

31 [Australian Constitutional Crisis](#)

32 [Candidate's Policy](#)

33 [Russell's Report](#)

34 [Bendigo Promotes Sunday Law](#)

Chapter 1

Divine Rights and Human Responsibilities

THE year was 1661. John James was preaching in a small hall in London to a small gathering of people on a Sabbath (Saturday) afternoon. Well into his service, the doors opened; the sheriff and his assistant appeared demanding in the name of the King that James cease his preaching. James' "crime" was twofold: first, he was preaching without a license from the Church of England, the only official church recognized by the British government; second, he was a Sabbatarian, believing that the Bible teaches that the Sabbath of the Lord is the seventh day of the week.

James believed he had a higher authority than the King of England, and continued to preach. He was arrested forthwith, and placed in prison. To the consternation of all who respected him, he was charged with high treason. The best efforts of the defense could not prevail and James was condemned to the enacted punishment for those convicted of high treason—to be hanged, drawn and quartered.

It must be remembered that only a year before, the monarchy had been reestablished after eleven years of the Commonwealth under Oliver Cromwell and his son, Richard. Concerns were high, and justice swift, for those who were found guilty of treason against the new King, Charles II. Even the most plaintive pleas of James' wife did not prevail, and James was hanged and drawn and quartered; and as a warning to others, the sections of his body were scattered to various parts of London and his head displayed in front of the hall where he had preached his fateful Sabbath sermon. He died a martyr.

The year before the martyrdom of John James, shortly after the restoration of the British monarchy, John Bunyan stood in Bedford court charged with preaching without a license from the Church of England. The minimum sentence for this "crime" at that time was seven years imprisonment.

The transcript of the Bunyan trial, rediscovered in recent years, revealed an unusually compassionate judge who did what he could to avoid sentencing Bunyan to a prison term. The judge inquired of Bunyan whether it was true that he had a blind two-year-old daughter. Bunyan responded in the affirmative. The judge then indicated that he did not desire to send Bunyan to prison, and provided a statement for Bunyan to sign, pledging not again to preach without a license from the Church of England.

Bunyan quickly refused, declaring he did intend to preach again. The long-suffering judge then made what would seem a most magnanimous offer. He proposed to speak to high officials of the Church of England to obtain a license for Bunyan to preach. To the shock of the judge, Bunyan refused this judicial attempt to free him, declaring that if he accepted the judge's offer, it would confirm the right of the Church of England to violate his religious freedom. Bunyan rightly contended that God had not authorized the Church of England or any other human agency to exercise the right to decide who could and who could not preach. Bunyan spent many years in

Bedford prison, but while there wrote books such as *Pilgrim's Progress*, which have provided great blessings to all subsequent generations.

Many would have felt that the final offer of the judge was an answer from heaven. But Bunyan witnessed to a mature understanding of the most basic principles of religious liberty. He recognized that a calling to preach the Word is not at the discretion of any human priest or potentate, but is the calling placed upon humanity by Christ Himself.

But dare we conclude that such situations as those to which James and Bunyan were subjected could never have occurred in the United States? Tragically, the same intolerance that had led the Pilgrim Fathers to seek refuge in the new world, was in turn frequently to be found in the intolerance of these new settlers in North America. Non-conformists have frequently been the object of persecution. Majorities have, during the years of "civilization," almost always felt it their right to oppress, persecute and punish minorities.

In March 1775, the young attorney, Patrick Henry, was sickened by the sight he saw as he rode into the town square of Culpeper, Virginia. There a man, tied to the whipping post, was being beaten mercilessly by a scourge laced with metal tips. The bones of his ribs were exposed as blood ran freely down his back. When Henry inquired what crime this man had committed to deserve such a fearful beating, he was informed that the man was a Baptist minister who had refused to take a license from the Church of England. Indeed, he had been one of twelve ministers who had been jailed because they refused to seek a license to preach from the Church of England. Sadly, history records that three days later, being pitilessly scourged again, the preacher died a martyr to his burden only to preach the gospel of Jesus as he understood it. This man had committed no crime against his fellow humans, he had not defrauded them, he had not assaulted another human, he had not taken sexual advantage of any one, nor had he spoken untruths. It was this incident that sparked Patrick Henry to pen the famous words which became the rallying cry of the American Revolution,

What is it that Gentlemen wish? What would they have? Is life so dear, or peace so sweet, for to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!

Later, this statement became part of Henry's famous speech at St. John's Episcopal Church in Richmond, Virginia. (*Citizen's Rulebook*, Whitten Printers, p. 15)

There is no question that religious persecution in the American colonies led to the protection of the most basic forms of citizen rights within the American Constitution and the Bill of Rights.

Also of great significance was the experience of James Madison, third President of the United States, who earlier in his life had been visiting in the small town of Orange, Virginia, some four miles from where he lived. On this occasion he heard the voice of a preacher, and, upon investigating, discovered it was that of a Baptist minister incarcerated in the town jail. Madison could not but reflect upon the kind of laws that would forbid a man from freely preaching the Word of God, irrespective of his religious convictions.

These illustrations are specially poignant to Colin who, as the President of Hartland Institute, lives between the two towns of Culpeper, twelve miles to the north, and Orange, eight miles to the south of Hartland Institute.

These historic events, which reflected upon the inhumanity of man to man and the tyranny that existed in the new world, were to make a great impact upon the development of liberty and freedom in the United States. While neither Henry nor Madison were signatories of the unanimous Declaration of Independence, nevertheless they made a profound impact upon the principles that are enshrined in the Constitution of the United States and the Bill of Rights.

The search for freedom and liberty is positioned at the most basic level of human existence. For many, liberty is more to be desired than food, clothing, shelter, and even life itself. Without the most basic of freedoms, the freedom of free speech, of assembling with other citizens, of religious observance, of the free proclamation of God's Word without let or hindrance, the right to choose and decide actions and purposes of life while respecting the same rights and freedoms for others, are surely fundamental to a free society. God has provided such freedom. God is not a God of coercion. God is a God who has given to man the ability to choose, to decide, to think and to act, and these rights God expects humans to exercise on behalf of their fellowmen. But history is replete with man's repression of his fellowman. Power has been used time and time again to bind the lives and consciences of men and women.

The experience of Edward Bushell and three fellow jurors highlights the oppression of former generations. These four men were part of a twelve man jury in England which was brought to decide the guilt of a young man who had dared to preach without a license from the Church of England. The prosecutor and the judge were determined to obtain a guilty verdict, but these four men stood resolutely against giving such a unanimous decision. Eight other jurors had meekly submitted to the demands of the judge and prosecutor. The four resolute jurors spent nine weeks of torture in prison. Frequently they received no food nor water, they were provided no toilet facilities, thus they were soaked with urine and smeared with feces when they were suspended by the wrists by chains, they were threatened with fines, yet not one of them capitulated. Edward Bushell said, "My liberty is not for sale." Bushell was a man of great wealth. He owned an international shipping enterprise, but he refused his own freedom, comfort, and safety to defend the rights of another man.

The year was 1670, the tenth year of the reign of Charles II. The case involved the young man, William Penn, who was on trial for the violation of the Conventicle Act. This was the act which gave the Church of England the sole legal right to decide who could preach. Of course, Penn, a Quaker, had clearly broken this law. Penn was on trial for his life. His alleged crime included preaching and teaching a different view of the Bible from that of the Church of England.

We stand amazed at that which resulted from the fidelity of the four jurors who refused, under such violent treatment, to find this godly man guilty of a capital offense, when indeed he had done harm to no man. Neither Bushell nor the other jurors could have possibly anticipated the far-reaching consequences of their courageous stand. It is hard now to imagine what would have happened had William Penn been found guilty. Probably he would have been put to death, or at the least incarcerated for an extraordinarily long period of time.

The noble establishment of the colony of Pennsylvania, with its major city, Philadelphia, named for brotherly love, would never have been known. Oh yes, the colony would have been established by someone else, but its history and name would have been entirely different. This was only one of the consequences of the honored stand of the four jurors. Their stand established the basis for freedom of religion in Britain, a principle that was to be even more strongly enunciated in the United States. It was a direct forerunner of the English Bill of Rights, established in 1689. At the time, this was the greatest bill of human rights ever provided by a secular government. The English Bill of Rights was certainly the forerunner of the American Bill of Rights. To this day it is included in the constitutions of all six Australian States.

The action of the four jurors provided the basis for the right to peaceful assembly, which is central to the free practice of religion. It was the foundation of freedom of speech and *habeas corpus*, which declared that no man could be kept in jail without being charged with aailable offense. Indeed, the first writ of *habeas corpus* that was issued by the Court of Common Pleas, was used to free Edward Bushell himself. The stand of these men would ultimately lead to freedom of the press. (Ibid. p. 18, 19)

The trial of William Penn and the courage of the four jurors established a precedent in law—that justice is a higher standard than legality. Penn *had* broken the law. By the law he was condemned to a harsh penalty. But the four jurors judged the law itself, and determined that it was an unjust law. To them, justice was not to be subservient to laws which deprived a man of his God-ordained freedoms. Thus it must always be in civilized nations. No man or woman must be condemned on the basis of law alone. Every juror must judge the appropriateness of a law before declaring the accused guilty. The jury in this sense is above the law.

John Adams, second President of the United States, articulated the God-given freedoms of man.

You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe. Ibid. p. 1

The framers of the United States Constitution and the Bill of Rights perhaps understood these God-given freedoms better than any other human beings before them. Only Christ could have enunciated such freedoms. Yet He lived in a society that did not understand these basic principles. This is clear from the reaction of the disciples who felt that they had a right to punish those who rejected them. When the Samaritans rejected Christ, James and John sought summary justice.

And sent messengers before his face: and they went, and entered into a village of the Samaritans, to make ready for him. And they did not receive him, because his face was as though he would go to Jerusalem. And when his disciples James and John saw this, they said, Lord, wilt thou that we command fire to come down from heaven, and consume them, even as Elias did? Luke 9:52–54

But Jesus' response showed the true principles of liberty that were enshrined in His ministry.

But he turned, and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save them. And they went to another village. Luke 9:55, 56

On a previous occasion the apostles urged Christ to take decided action against those who were preaching but were not part of the fellowship of Jesus.

And John answered and said, Master, we saw one casting out devils in thy name; and we forbad him, because he followeth not with us. Luke 9:49

Once again notice Jesus' answer.

And Jesus said unto him, Forbid him not: for he that is not against us is for us. Luke 9:50

How important it was for the disciples to live the principles of the kingdom. These principles must be enshrined in the heart of all of God's people. Not only are we to seek liberty for ourselves, but also for others, even those who are of the most diverse persuasion from ourselves. We have a God-given responsibility to do all we can to assist in the fulfillment of the highest level of liberty. The words of Everett Hale must ever be uppermost in our thoughts:

I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do and, with the help of God, I will do! *Citizen's Rulebook*, op. cit., p. 6

Every totalitarian power in the past, be it civil or ecclesiastical, has sought to deprive humanity of its God-given rights. The Inquisition is a stark reminder of how an ecclesiastical power could seek to enforce its edicts and belief system upon men. The papal system of government also teaches men to be unwaveringly loyal to the priest, who teaches them to put their faith in the edicts of man rather than in the Word of God. In this practice is implied the falsehood that loyalty to man is more important than loyalty to God. It teaches that loyalty to the church automatically makes man loyal to God. By contrast, the Protestants of the sixteenth century declared that loyalty to God automatically makes men loyal to the Church.

Let it *never* be forgotten that this Satanic principle that puts loyalty to man above loyalty to God, was the premise which placed our Saviour on the cross of Calvary. Hordes of members of the Jewish church cried out at Pontius Pilate's palace, "Crucify Him! Crucify Him!" (Luke 23:21) in loyalty to the urgings of Caiaphas, the High Priest. They believed that in this display of loyalty to the leader of God's church, they would be recorded in heaven as loyal to God Himself. This faulted sense of loyalty led to the incredible paradox, that humans believed themselves to be loyal to God as they demanded the murder of God the Son. All Christians must be loyal to God's church. But in order to be loyal to His church one must *first* be loyal to God Himself and then we shall automatically be loyal to the one object of His supreme regard—His Church. Loyalty to church leaders *first*, is a principle of Satan. History is replete with the dire consequences of accepting this faulted principle.

In the political sphere, the Communist Manifesto, in the name of liberty and equality, called for the abolishing of private property, the enactment of government control of education, abolition of the right to free speech, government ownership of business, and other deprivations of human rights. Both the papal system and the communist system are inimical to the freedom that God has given to the human race. Christians have a responsibility to stand up for the freedom of others. If we do not stand up for the freedom of those not of our political or religious persuasion, then we have no right to expect others to stand up for our rights. Surely the words of Edmund Burke in

the eighteenth century are equally true today as when they were expressed. "The only thing necessary for evil to triumph is for good men to do nothing."

Chapter 2

The Rights and Limitations of Government

GEORGE Washington declared that,

Government is not reason; it is not eloquence; it is force! Like fire, it is a dangerous servant and a fearful master. *Citizen's Rulebook*, Whitten Printers, p. 62

Clearly, George Washington was not an anarchist who believed in the elimination of all government, but his wisdom and experience declared that the citizens of any nation must be ever vigilant in guarding against the development of dangerous and oppressive measures by those in governmental authority. Rarely through the chronicles of human history have we been able to achieve the ultimate goal of government of the people, by the people, for the people.

There is naturally resident within the unconverted heart of men and women the desire to rule over others; to assume that the position of authority they have attained gives them the right to oppose and oppress those who are not in agreement with them; to assume that the right of authority gives a superior wisdom that others do not possess. Christ understood this fact and observed it among the heathen and the secular leaders of His day; it was contrary to His manner and He warned His disciples against following such a policy.

But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant: even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many. Matthew 20:25–28

All governments have the responsibility to acknowledge the natural God-given rights of their citizens: the right to life, liberty, freedom of religion, freedom of speech, and the right to assemble peaceably together. Thus any legislation which violates these rights is inimical to the proper role of government.

It is the responsibility of citizens to be ever vigilant, to make sure that government operates within its rightful parameters. The surrender of liberty, be it ever so little, will nevertheless open a path, the end of which may not be seen by those who have turned a blind eye or preserved a silent voice to that which has taken place.

Perhaps the greatest weakness of the citizens of any nation is that so many have "short sight." They see a little erosion of their freedom but judge that it is not significant, for it appears to scarcely affect them personally. They have no concept of the danger inherent once such a

pathway has been sustained by silence and inaction. Nor do they possess the insight to recognize that, inevitably, the next step will be taken, and the ultimate end will be that of bondage and servitude. One step away from the principles of freedom is to place individuals and society as a whole upon the pathway of unlimited danger.

Sir Winston Churchill understood the principle that the granting of a small erosion of liberty inevitably leads to ever greater erosion of our freedoms. On October 5 1938, he stated, in addressing the weak failure of the European nations to halt Adolf Hitler's deprivation of the liberty of the Czech nation,

Do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless by a supreme recovery of moral health and martial vigour, we arise again and take our stand for freedom as in the olden times. Winston Churchill, *Into the Battle*, p. 53

It is God who provides the inalienable rights of humanity. Righteous leaders exercise their God-given role without the infringement of human liberty. Leaders and other citizens alike have a God-given responsibility to be subject to God's power and to uphold it.

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Romans 13:1

Above all else, government has the responsibility to protect all citizens from oppression and persecution. To accomplish this, the particular purpose of government is to protect the weak from the strong. The weak normally are the poor; the less educated; the racial, religious, and political minorities. In an essay on the subject of trial by jury, Lysander Spooner wrote,

Government is established for the protection of the weak against the strong. This is the principal, if not the sole motive for the establishment of all legitimate government. It is only the weaker party that loses their [*sic*] liberties, when a government becomes oppressive. The stronger party, in all governments are free by virtue of their superior strength. They never oppress themselves. Legislation is the work of the stronger party; and if, in addition to the sole power of legislation, they have the sole power of determining what legislation shall be enforced, they have all power in their hands, and the weaker party are the subjects of an absolute government. Unless the weaker party has a veto, they have no power whatsoever in the government and . . . no liberties. *Citizen's Rulebook*, Whitten Printers, p. 10

Indeed, the lone right of government in the arena of religion is to protect the religious liberty of each citizen of the nation.

Enlightened British Prime Minister William Pitt, addressing the British House of Commons, stated,

The poorest man may, in his cottage, bid defiance through all the forces of the Crown. It may be frail, its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the king of England may not enter; all his force dares not cross the thresholds of the ruined tenement. *Ibid.* p. 61

The home of a citizen is his citadel; and right of authority, privileged power does not give right for government to intrude upon his premises without a search warrant except under three emergency circumstances:

1. Imminent danger (e.g. sounds of violence against a person)
2. Threat to public safety (e.g. odors of methamphetamine lab)
3. Hot pursuit (e.g. someone being chased enters a home)

In all other circumstances, only if there is overwhelming evidence of a major crime do the people's representatives have the right to seek legal authorization to enter and search private property. Even under those circumstances, that search has no validity unless the tenant of that home, and a witness chosen by him, are able to witness the search. Efforts to send teams of searchers unwitnessed into other parts of the house, are against all principles of freedom. Such acts encourage the planting of false evidence. A citizen has the right to know that no false evidence has been planted in his home by the searchers.

It is not the prerogative of government to seek to determine religious truths. Rather, that is the responsibility of each individual. The right of government is to provide laws that permit the freedom of men and women to seek and to search for truth. This principle was well understood by Thomas Jefferson, who said,

It is error alone which needs the support of government. Truth can stand by itself. Ibid. p. 12

The United States Constitution and the Bill of Rights were written to protect the natural rights of all citizens. Seeking to forestall legislatures from destroying these rights, the Constitution and the Bill of Rights were also written in such a way that it was clearly possible for the citizens of the nation to compel the government to remain within its constitutional bounds, and this even by force. Thus the Second Amendment of the Bill of Rights gave citizens the right to bear arms and, if necessary, form a citizens' army. While we do not favor the use of force by the citizens against the government, any more than we favor the use of force by government against the citizens, nevertheless it was the concept of the founders of the American nation that, should a government arise which was oppressive in nature, the citizens could arm themselves and fight that oppression in order to overthrow such a government.

One might reflect, however, that two hundred years ago it was indeed possible for the citizenry to have the same equipment and fire power as the government in order to pursue such a war. Today the second amendment of the Constitution has been made virtually obsolete, for it would almost be impossible for the citizens of the nation to arm themselves with the rocketry, the helicopter gun-ships, the smart bombs and the nuclear weapons that are at the disposal of governments, unless the entire military machine of the nation united with the citizens against the government. However, the Vietnam War did demonstrate the effectiveness of a guerrilla type operation against a mighty military force.

The only other ways in which the citizens could compete with the government would be, a violent take over of governmental installations—a tactic not likely to succeed, or by guerilla warfare or terrorism, neither of which tactics are viable or proper alternatives for responsible citizens. Thus one of the most cherished protections provided in the Bill of Rights is no longer effectively operative. This permits governments today to be far less concerned about the intent of the Constitution and the Bill of Rights than in past generations. Therefore an even greater

vigilance must be exercised, not only by responsible legislators, but also by concerned citizens, to ensure that the freedoms that have been guaranteed to the citizens of their nation be not eroded or lost. One of the reasons why today a number of situations have arisen, where the agents of the federal government have alarmingly violated every principle of human rights, with resulting deaths of innocent citizens, is due to the fact that citizens and legislators have not performed their duty to protest the erosion of liberties. This fact has provoked violent elements in society to adopt their own dangerous courses of redress.

The only way a government can oppress its people is through the ignorance or the indifference of the majority of its citizens. If, by ballot and by jury, oppressive laws are repelled, the government stands impotent to deprive the people of their God-given freedom unless it declare war on its own citizens. Realistically, the only hope for continuing freedom is the decided use of the ballot and the proper function of the jury system.

Unfortunately, in frustration and retaliation, some citizens are resorting to terrorism. We categorically oppose such measures. Terrorism results in the maiming and death of many innocent citizens, and provokes the government to enact increasingly oppressive laws.

The U. S. Constitution provides for the impeachment of those who would abuse their authority. Section three of the United States Constitution provides that,

The Senate shall have the sole Power to try all Impeachments.

Such an impeachment can be sustained only by a two-thirds majority of the members present in the Senate. There is no avenue by which the citizens as a whole may exert the power to impeach. They are wholly dependent upon the authority of the Senate for such impeachment.

Abraham Lincoln sought to define the citizens' right to overthrow those who would attempt to violate the Constitution. Too often, those seeking to redress the abuses of a leader are accused of attacking the institution where the leader serves. In other words, if someone were opposing a corrupt president, it would not be surprising for him to be accused of subversion against the government. But Abraham Lincoln observed that—

The people are the masters of both Congress and courts, not to overthrow the Constitution, but to overthrow the men who pervert it! *Ibid.*, p. 17

Thus citizens have no right to overthrow the Constitution, but have every responsibility to take what decided action is necessary to overthrow those in office who would seek to pervert the Constitution. In nations where the Constitution contains unjust articles, it is the duty of the citizens to peacefully work to rectify such a constitution; and it is the duty of juries, if such a legal system prevails, to ignore such unjust articles in reaching their decisions.

It is crucial that religious organizations be forbidden to interfere in the constitutions of the nations. Such interference inevitably leads to persecution of dissenters. The 1885 encyclical of Pope Leo XIII, therefore, is a most dangerous one. It states, "All Catholics should do all in their power to cause the constitutions of states, and legislations to be modelled on the principles of the

true church and Catholic writers and journalists should never lose sight, for an instant, of the view of the above prescription."

One of the most difficult decisions that the U. S. Congress has to face today, is the protection of its citizens while preserving the right to privacy. Often, political leaders and government officers have sought to encourage the belief that too much freedom results in chaos. In so doing, they have not always clearly delineated between freedom and license. Thus it is urged that citizens should freely surrender their rights for the higher good of community as a whole. It is never advantageous for citizens to surrender any rights to produce a better society. Every renunciation of rights produces a poorer society. It is unlikely that more laws will result in less criminals. It was British Prime Minister William Pitt, who, addressing the British House of Commons, decidedly rejected the concept that rights must be surrendered to provide security and safety.

Necessity is the plea for every infringement of human liberty; it is the argument of tyrants; it is the creed of slaves. Ibid. p. 9

In the wake of increasing terrorism in the United States we can sympathize with legislators who are seeking to balance the issues of individual rights and public security. But we must constantly ask the question, "How far can government intrude to protect society without encroaching upon the individual freedoms of its citizens?" The tide of security at airports, government buildings, and other public institutions, presents a challenge. Legislators of today and vigilant citizens demand that almost every terrorist act be followed by a review of security measures by Congress. Not government alone, but the courts also have thought to restrict some of the civil and religious freedom in the United States. This issue is addressed in chapter 21 entitled, "Judicial Confusion and Inconsistencies Regarding Sunday Laws." If the citizens fail to monitor the actions of the government, it will lead to tyranny. Only when there is mutual and earned trust of the citizens in their government, and the government in its citizens, will true liberty be retained.

Editor's note: This oft-quoted book, *Citizen's Rulebook*, is available from Hartland Publications, Box 1, Rapidan, Virginia 22733, USA.

Chapter 3

Judging the Law

WHEN a legislative bill is brought to Congress, the House of Representatives and Senate develop their own versions of the bill. Conferees of the House and Senate then meet to iron out differences, before the bill is voted by each chamber of Congress. After passage, the bill becomes law only when the President signs it. If the bill is vetoed by the President, it can become law should a two-thirds vote override the President's veto. Once voted into law, most citizens accept that the law is binding. However, until that law is tested in the legal system, its actual interpretation and application is not certain. In many cases, it is the Supreme Court that decides the application of the law, and from its opinion there is no further recourse. The Supreme Court may even find the law unconstitutional.

Often, the law's interpretation is determined as much by legal precedents as by the wording of the bill as it was signed into law by the President. Of course the legal system itself seeks to offer some safeguards, by providing levels of appeal including state appeals courts, federal appeals courts, and ultimately the Supreme Court of the United States. It is believed by most that the final test of a law resides with the Supreme Court of the United States. Once this court of nine Presidential appointees, confirmed by the Senate, has made its majority decision, there is no further court of appeal. The lower courts are expected to adjudge consistent with the law as defined by the Supreme Court. To invest such power to reside in nine persons, no matter how well qualified or experienced they may be, is more than any nation should permit. In effect it would mean that a simple majority of five Supreme Court Justices, in a nation of over a quarter of a billion citizens, can decide the final meaning of the law. The fact that these justices are political appointees is cause for further concern.

The founders of the American nation understood this, and with unusual wisdom, made provision for the citizens of a nation to overturn even the decisions of the Supreme Court. But almost forgotten by the general public, has been the careful way in which these men sought to provide for its citizens to overrule any law, though it was voted by Congress, signed by the President and defined by the Supreme Court of the United States. In 1789, Thomas Jefferson warned that the judiciary must not be given too much power, or it would jeopardize the Republic.

The new Constitution has secured these [individual rights] in the Executive and Legislative departments: but not in the Judiciary. It should have established trials by the people themselves, that is to say, by jury. *Citizen's Rulebook*, p. 20

Indeed, it was the belief of the early leaders of the United States that the juries, not the Supreme Court, were to be the final arbiters of just and good laws. Such beliefs were enshrined in the following words:

The jury has a right to judge both the law as well as the facts in controversy. (John Jay, First Chief Justice of the U. S. Supreme Court, 1789)

The jury has a right to determine both the law and the facts. (Samuel Chase, U.S. Supreme Court Justice, 1796, and one of the signatories of the Declaration of Independence).

The jury has the power to bring a verdict in the teeth of both law and fact. (Oliver Wendell Holmes, U.S. Supreme Court Justice, 1902, considered one of the great justices of the Supreme Court)

The law itself is on trial quite as much as the cause which is to be decided. (Harlan F. Stern, 12th Chief Justice of the United States Supreme Court, 1941)

The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge. *United States versus Daugherty*, 1972

The jury gets its understanding as to the arrangement in the legal system from more than one voice. There is a formal communication from the "judge." There is informal communication from the total culture—literature, current comment, conversation; and, of course, history and tradition. Cited from *Daugherty*, 1972

(All statements cited from *Citizen's Rulebook*, pp. 6, 12)

Most juries are unaware that their responsibility is not only to judge the accused, but to judge the law under which the accused is being tried. Jurors will never fulfill their responsibility as the final arbiters of the law until they are made aware of this responsibility. It should be the required responsibility of the court to instruct all empaneled jurists verbally, and in writing, of their responsibility to judge the law as well as the accused. Further, it should be illegal for a judge to instruct a jury that it must judge guilt or innocence solely on the basis of the applicable law. Juries have the power to effectively negate a bad law, even if it has been sustained by the Supreme Court of the United States. Herein lies the ultimacy of liberty. If jurors throughout the nations are willing to vote down consistently bad law, bringing in verdicts of not guilty when the statutes that have been passed are oppressive, or inimical to the Constitution, the statutes will become wholly ineffective and will be overthrown by precedent.

In the case recorded in chapter 1, entitled "Divine Rights and Human Responsibilities," concerning the young William Penn, the facts of the case were not in question. William Penn had clearly violated the Conventicle Act by preaching without permission of the Church of England, and by preaching doctrines that differed from the teachings of that Church. Had the four jurors, who suffered so much for their convictions, judged the case strictly according to the law, William Penn would have been found guilty. He would have been sent to jail and very probably executed. But these jurors of the seventeenth century recognized that they had no right to find a man guilty on the basis of an unjust law.

William Penn had not breached the freedom of another person. He had not injured anyone. He had not spoken slanderously of another person. He had not appropriated to himself property or goods that belonged to others. In every way, he was a man of upright character and Christian fidelity. The law that he had broken was unjust. The government had dared to enact a law in relation to the first four commandments of God, a right that God has not bestowed upon any government today. By the courage of the four dissenting jurors, that unjust law was overthrown and the liberty of the religious dissenters in Great Britain was secured. It is to protect men against unjust laws, that every effort should be made to require the justice system to place within the hands of jurors, information that would explain to them not only their right and their obligation to judge the matter of which the accused is charged; but also the law by which the accused is brought to trial. Such instruction would not bring anarchy, rather it would ensure the highest level of justice, and protect citizen rights.

Judges should be instructed that under no circumstances are they to admonish the jury to judge the case according to the law alone. Indeed, it is appropriate for every jury to evaluate the fairness of the law itself, before determining the guilt or innocence of the accused. The jurors in this sense have power in excess of governments and judiciaries at all levels. Ultimately the jury is the judge, not the judge appointed to the trial. Surely this is the only way to ensure the likelihood that justice will be done.

Thus the jury are not to believe that their decision must be based only upon the evidence that is placed before them in the court room. Often evidence is incomplete. Often it is manipulated and even erroneous. It is the jury's responsibility to the very best of its God-given abilities to evaluate the cases according to its own best collective judgment.

The prosecutor may, with great skill and ability, overshadow the quality of a defense counsel, especially in the case of an appointed public defender. But it is the jury's duty to seek the best interest of the accused. We recognize that in many cases the accused is guilty of a felony, far beyond any reasonable doubt. Juries should administer appropriate justice in such cases. A guilty vote is just as important as a not guilty vote, for the jury has an obligation to society as well as to the accused. But ever must the members of the jury be alert to the possibility of wrongful arrest, and of an unjust law.

Even a casual review of the justice system of the United States reveals that frequently, prosecutors and judges are more interested in the niceties of complex points of law than they are in the provision of justice for the accused. Often, convictions or acquittals are decided, not on the facts of the case but on the technicalities of the law. The juror, being untrained in the fine points of law, has the opportunity to make a decision upon the clearest common sense principles. No criminal should go unpunished because of the niceties of fine legal points, and neither should an innocent man be convicted because of poor legal counsel or because of polished prosecution arguments.

In matters of ecclesiastical authority, the same principle must pertain. Protestant churches have always seen the membership as the final arbiter of faith and practice. That is the reason why, in most churches, the final arbiter of church discipline is the church business meeting, where every member in regular standing is able to hear the case against the one brought for church discipline and decide the fate of that individual within the religious sphere. Unfortunately, unlike a court of law, where a unanimous verdict is necessary before discipline is taken, in most churches a simple majority decision will decide church discipline. It becomes the prerogative of all members to make sure that every one accused has the opportunity to adequately present his defense and cross-examine his accusers before any decision is made. Frequently such natural justice is absent in ecclesiastical trials.

Most churches have church manuals, usually indicating the issues that call for church discipline. But it is essential that church members, like jurors in court, evaluate the validity of the article of discipline. Judgement must be made, not in the light of human reasoning or church manuals, but in the light of the Word of God. No church member is justified in voting for the discipline of a fellow member on the grounds of an unjust article of disfellowshipment. When a sufficient number of churches recognize this fact, unjust articles will become invalid. One matter is certain, the God of the Universe will judge all men with perfect justice.

It would be well if all Christian denominations discarded their church manuals and utilized the only valid church manual—the Holy Scriptures. Injustices done would be less frequent if such served as the basis for discipline and order in all churches.

The trial of Christ before the Sanhedrin where He was accused both of Sabbath breaking and blaspheming God (John 5:18) should be instructive to every Christian. Christ had healed the lame man by the Pool of Bethesda on the holy Sabbath day, and had instructed him to—

Rise, take up thy bed, and walk. John 5:8

In this He *had* breached the Talmud, which was used as the humanly-developed code for discipline. The Talmud consisted of two books—the Mishna, which was a commentary upon the Old Testament and the Gemara, which was a commentary upon the Mishna. So far had the Jews accepted human judgment, that in the time of Christ parents were advised to teach their children Scripture before the age of five, the Mishna between the ages of five and twelve, and the Gemara after twelve years of age. Mary wisely confined Christ's instruction to inspiration.

While Christ had acted contrary to human ecclesiastical enactments, He had most certainly faithfully kept the Sabbath day holy in accord with Scripture. After all, He was the Lord of the Sabbath (Mark 2:28).

His defense at His trial before the Sanhedrin (John 5:17–47) is instructive to all Christians and a stern warning to those who would substitute humanly devised church manuals in the place of Scripture, for Christians today are no wiser than the Jews were at the time of the First Advent. One matter is certain, the God of the Universe will judge all men with perfect justice.

And they sing the song of Moses the servant of God, and the song of the Lamb, saying, Great and marvellous are thy works, Lord God Almighty; just and true are thy ways, thou King of saints. Revelation 15:3

Chapter 4

The Role of the Jury

IN a jury trial, the judge represents the letter of the law as voted by legislators and interpreted by the highest court of the land, and also considers the precedents of other court decisions. The prosecutor represents the interests of the society and the judicial system. The defense counsel represents the interests of the accused. But it is the jury that judges the validity of the law, its intent, and the guilt or innocence of the accused. A juror has the responsibility to vote his convictions, no matter what the other jurors vote. Frequently we hear of a jury's vote which is not unanimous when the first polling is conducted. Eventually, however, all jurors finally yield to persuasion or to the pressure to support the jurors who are the strongest or most numerous voices in the group. Each juror's vote of guilty or not guilty must be respected by other members of the jury and by the court. To yield one's own conviction to the pressure of the majority is to fail in God-given responsibility as a juror.

In reality, each juror stands as a judge. He/she represents the highest judge in the land. The judgment of the jury in favor of the accused cannot be overturned. If one juror withstands the pressures of his fellow jurors and maintains a "not guilty" verdict, even though the other jurors have voted for the "guilty" verdict, it is a hung jury and the judge cannot pronounce guilt on the accused. However, in such a case, the prosecutors do have the right to re prosecute the case in court.

The juror must take his role seriously, and it is his responsibility to understand his duties and obligations. Ultimately, in any trial it is the jurors who are the judges. In that sense, the term *judge* is a misnomer. Sometimes, however, equally significant as the evidence that is presented,

is the kind of evidence which the judge rules as inadmissible, or to be struck from the record. While such evidence may be legally inadmissible, it may have great impact upon the guilt or innocence of the accused.

Of course every juror must take a common sense and responsible attitude to his duties. For the most part, judges will attempt to be impartial and to direct the trial according to the best principles of fairness. But it is important that jurors not take this matter for granted. If it were true that judges never erred in these matters, then there would be no likelihood of a higher court overturning a lower court judge's decision. The juror must do all in his or her power to ensure that he/she is not so overawed by the law, nor by his own lack of legal training, as to allow himself to put aside his good judgment when evaluating the facts of a case.

In 1794, the Supreme Court conducted a jury trial, and during that trial, stated,

It is presumed, that the juries are the best judges of fact; it is, on the other hand, presumed that the courts are the best judges of law. But still both objects are within your [the jury's] power of decision *Citizen's Rulebook*, p. 11

In another case, the State of Georgia versus Brailsford, et al., it was stated,

You have the right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy. Ibid.

In the case of U.S. versus Dougherty it was stated that,

The jury has an unreviewable and unreversible power . . . to acquit in disregard of the instructions of the law given by trial judge. Ibid.

It is almost certain that a majority of jurors who accept jury duty have no understanding of these principles; and without understanding of them there is no likelihood that they are going to exercise this responsibility in the jury deliberation. The Dougherty trial spoke of jury lawlessness as follows,

Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of the majority imposed on a vigorous and determined minority, find the same obstacle in the local jury that formerly confronted kings and ministers. Ibid.

The term *lawlessness* used here does not mean that the jury has broken the law or that the jury is in danger of indictment. Rather it means that the jury displays a willingness to nullify bad law. (Ibid.) That is a power rarely understood by jurors.

When a judge instructs the jury that it must judge according to the law as explained by the judge, this is in violation of the very intent of trial by jury, and of the protective justice of the nation. Jurors are at liberty to put aside any such instruction from the judge if it flies in the face of the concept of common justice. To follow such instruction from a judge will often lead honorable men and women on a jury, who, while recognizing the injustice of the law in respect to the person on trial, will nevertheless wrongly believe it their duty to convict the defendant because he has indeed broken the law. The greatest loyalty that a citizen can exercise in such circumstances, both to uphold the civil and religious freedom of the citizens of the nation and the

intent of the Constitution, is to return a "not guilty" verdict in the face of the specific details of the law.

For this principle to operate properly, the jurors must come to a trial without preconceived notions as to the guilt or innocence of the defendant. Nor are the jurors to come with an anti-government mind-set, otherwise such a juror will be inclined to vote in favor of the defendant, even when he is patently guilty of a hideous felony. In this way, the jury is able to maintain the justice of a nation, or to peaceably restore the liberty of the nation. (Ibid., p. 13). Such freedom is the cornerstone of the strength of a great nation.

In an article published in the *Minneapolis Star and Tribune*, entitled, "What Judges Don't Tell the Jury," it was stated,

At the time of the adoption of the Constitution, the jury's role as defense against political oppression was unquestioned in American jurisprudence. This notion survived until the 1850s when prosecutions under the Fugitive Slave Act were largely unsuccessful because juries refused to convict.

Then judges began to erode the institution of free juries, leading to the abused compromise that is the current state of the law. While our courts uniformly state juries have the power to return a verdict of not guilty whatever the facts, they routinely tell jurors the opposite.

Further, the courts will not permit the defendants or their counsel to inform the jurors of their true power. A lawyer who made . . . Hamilton's argument would face professional discipline and charges of contempt of court.

By what logic should jurors have the power to acquit a defendant but no right to know about that power? The court decisions that have suppressed the notion of jury nullification cannot resolve this paradox.

More than logic has suffered. As originally conceived, juries were to be a kind of safety valve, a way to soften the bureaucratic rigidity of the judicial system by introducing the common sense of the community. If they are to function effectively as the "conscience of the community," jurors must be told that they have the power and the right to say no to a prosecution in order to achieve a greater good. To cut jurors off from this information is to undermine one of our most important institutions.

Perhaps the community should educate itself. The citizens called for jury duty could teach the judges a needed lesson in civics. *Minneapolis Star and Tribune*, November 30, 1984

As presented in *Citizen's Rulebook*.

The issue of jury rights and responsibilities was featured on CBS Evening News, June 10, 1995. Anchorman Dan Rather stated,

A jury is supposed to decide facts. Before a jury begins deliberating, the judge gives instructions about what the law is and how to apply the law to the case. But some jurors are now getting instructions from another source, and the message is that they should ignore any law they don't agree with.

Reporter Peter Van Sant commented,

These people reporting for jury duty in El Cajon, California, are being told they have an absolute power: the power to simply vote not guilty if they don't like the law that's been broken.

Van Sant was reporting upon the activities of an organization known as the Fully Informed Jury Association. Van Sant described the organization as—

a collection of patriots who simply want jurors to know that they have power to judge the law as well as the defendant, that they can vote their conscience, even if it grieves the evidence and the judge's instructions.

An unidentified judge was quoted as telling a jury,

You may not question the wisdom of any rule or law that I have announced to you.

The convictions of the founding fathers of the American nation were on the side of the Fully Informed Jury Association, not that judge.

An article in *The Washington Times* prescribed a rather ambivalent view of the concept of jury nullification. In the article, Ron Christie addresses the issue raised by unnamed legal scholars who advocate jury nullification [of a law] as a moral alternative to sentencing criminals guilty of non-violent crimes. Christie acknowledges the valid role of jury nullification in past history, e.g. in the cases of those who violated the 1793 and 1850 Fugitive Slave Acts. Thus many guilty of breaking the law were found not guilty by compassionate juries who determined that the particular law was unfair. Christie then asks, Is an unfair law a law at all? While this is a good question in theory, in practice a bad law is law until overturned by Congress, a court or a jury. (Ron Christie, *The Washington Times*, July 22, 1997)

What concerns Christie is that whereas in the past jury nullification has been used to overturn unjust laws, presently he believes that many advocates of jury nullification are urging such nullification for laws that do serve a justifiable role. We agree with him that efforts to use nullification to overthrow laws against possession, use and distribution of street drugs is a dangerous misuse of jury nullification. But we would add that the misuse of jury nullification is not a ground for denying its use when unjust laws have been passed. We believe juries should seek, in future cases whenever possible, to nullify laws such as the limitation of human religious liberty as voted by the Supreme Court in *Smith versus the State of Oregon*, 1990. (See chapter 7 entitled "Erosion of the First Amendment," and for the protection of citizens against being subjected to torture in any form to obtain confessions, see chapter 8 entitled "The Supreme Court Overrides the Fifth Amendment.")

Of course there are those who fear anarchy if juries exercise absolute power to judge the merits of the law. That is a real fear, yet the framers of the principles of the judiciary saw this danger as preferable to the danger of a legal system that would provide absolute power for judges to bind the citizens to the law as decided by the highest court of the land.

In reality, the exercise by a jury of the right to judge the law is much more common than most citizens believe. Van Sant stated,

That same power [of the jury to judge the law] was often used in the Vietnam era, when many juries refused to enforce laws against the burning of draft cards.

We could add that this has happened more recently in cases such as the assisted suicides of Dr. Kevorkian. While the authors oppose euthanasia (assisted suicides), the juries that have declared his innocence have invoked a principle provided by the early jurists of the United States.

Here is a delicate balance. We do not share many of the concepts of the more radical elements of society, and we certainly do not advocate anarchy. It takes a truly Christian ethic for the juror to properly exercise the power that is his by right.

Ultimately, a juror is answerable to God alone for his decision, and this solemn responsibility should ever be in each juror's mind. A republic is a three-vote system of government. It is the three votes, viz., of the ballot box, of a grand jury and of a regular jury, that are meant to safeguard, as well as is humanly possible, the civil and religious freedoms of the citizens of the nation.

In a free society, the first vote is at the election of chosen legislators: the right to cast a vote in terms of those who will represent the citizens in the legislative bodies of the nation, state, city, or county. In many places, citizens possess the right to vote for those who will be the judges and law enforcement leaders of the people. The second vote comes, when in a major criminal trial, a grand jury is elected.

A grand jury's purpose is to protect the public from an overzealous prosecutor. Minneapolis Star and Tribune, March 27, 1987

It is the grand jury's right to decide that the evidence before the court is not sufficient to warrant the sending of the accused for trial. In many British Commonwealth nations a Coronial Inquiry serves a similar purpose to the United States grand jury.

The third and final vote in a free society is that of the jury. A "not guilty" verdict is the final disposition of a case from which, under normal circumstances, there is no review. Thus in this sense, it is the juries of the nation which finally define the laws. This places the power of the jury, in this respect, above that of the supreme court of the nation.

Chapter 5

The Judge and the Jury

ON Sunday evening, November 2, 1952, two young men, Christopher Craig (16) and Derek Bentley (19), planned to break into a warehouse in Croydon, a town on the southern outskirts of London. The planned robbery would end in both young men being sent to trial for murder.

Their robbery was thwarted when nine-year-old Edith Ware noticed from her bedroom window the two young men scaling a gate. Her father alerted the Croydon police, and the building was soon surrounded by the constabulary. There was no possibility for the two felons to escape.

Relatively early in the stand-off, Bentley surrendered and was arrested. Craig, on the other hand, was in possession of a pistol and began to fire at the police officers. Fifteen minutes *after* the arrest of Bentley, Police Constable Sidney Miles was shot between the eyes and died instantly. Detective-Sergeant Fairfax was slightly wounded in the arm during the same gun fight in which police returned Craig's fire.

Apparently the facts of the case were indisputable. However, as David Yallop, in his account of the incident and trial (*To Encourage the Others*, Corgi Books, London 1990) argues, the case was far from clear-cut. A large question hangs over the identity of the perpetrator of the death of Constable Miles. Although during the trial it was accepted as a fact that Craig fired the fatal bullet, there is persuasive evidence to conclude that Constable Miles was killed by "friendly fire" from another police officer seeking to immobilize Craig. David Yallop has marshalled the facts related to the fatal shooting and made a compelling case against the accepted theory that Craig fired the fatal bullet.

However, this issue is not central to our examination of the trial judge's directions to the jury and the response of the jury to those directions.

The trial judge was the holder of Great Britain's highest judicial appointment, Lord Chief Justice Goddard. In Great Britain it is the practice to elevate judges of the High Court, Great Britain's highest court, to the peerage. They thus hold seats in the House of Lords. Lord Goddard had been appointed Chief Justice in 1946. During the post-war period there was a rapid increase in crime. Indeed in 1947, two years after the conclusion of the Second World War, the crime rate in Great Britain was fifty percent higher than it had been in 1939, the year of the commencement of the war. This fact led to calls for harsher penalties and sterner judgments.

If the dispute over who wielded the weapon which killed Constable Miles is set aside, the case against Christopher Craig was straightforward. That he had fired at policemen was not in dispute. That one policeman was dead was a fact beyond question. Thus one would expect the jury to find Christopher Craig guilty of murder. And so it did.

Craig had one marked advantage—he was sixteen years old. British law precluded the passing of the death sentence upon any person under the age of 18. Derek Bentley at nineteen years of age possessed no such advantage. His case was entirely different. Not only did he possess no gun, he claimed that he was unaware that Craig was carrying a pistol on his person. Further, Bentley had been under arrest for fifteen minutes prior to the fatal shooting of the constable. It could not be doubted that Bentley was guilty of attempted robbery. The crucial question which faced the all-male jury was whether Bentley was also guilty of the capital crime of murder.

In the deliberation of the jury there can be little dispute that Lord Chief Justice Goddard's summing-up played a vital role. He set the stage when he stated to the jury,

Then, of course, as you have been properly warned, any question of fact in the case is entirely one for you, not for me. I have to direct you as to the law, and you will have to consider the facts and apply the facts in accordance with the law as I tell it to you. David Yallop, *To Encourage the Others*, p. 392

The Judge's words "in accordance with the law *as I tell it to you*" (emphasis added) are notable. One man, albeit an eminent legal professional, considered himself qualified to be the arbiter on legal issues which were matters of life and death for Derek Bentley. In any professional field, experts frequently differ. This observation applies to the legal profession equally as to all other professions. By way of example, the judgments of the Supreme Court of the United States frequently display sharp differences of legal interpretation. Divided decisions among these renowned justices are frequent. Study of majority judgements and the written conclusions of dissenting justices often disagree to a remarkable extent. The six-to-three judgment in the *Smith v. the State of Oregon* case and the five-to-four judgment in the *Fulminante v. State of Arizona* case (see chapter 8 entitled "The Supreme Court Overrides the Fifth Amendment"), are cases in point. But Lord Goddard's emphasis was that *he* would tell the jury the law, and how to apply the law to the facts of the case.

The Chief Justice also quoted the ruling of "one of the greatest Judges of Victorian times—Mr. Justice Brett, who was afterwards Lord Esher" (*Ibid.*, p. 394), in respect of what constituted a willful act and what could be termed an accidental act. It is likely that none of the jurors had ever heard of this nineteenth century judge, and thus would be in no position to evaluate his "greatness" in comparison to the other judges of his day. But manifestly, the jury were expected to accept Lord Goddard's evaluation of Mr. Justice Brett's stature as a judge of earlier days. This evaluation was further emphasized by the Chief Justice informing the jury that Mr. Justice Brett was subsequently elevated to the peerage and took the title of Lord Esher.

These observations are not made in order to denigrate the legal system, nor to reduce Lord Goddard's professional status. Rather, we would remind each one that judges are fallible men, wise often, but nevertheless subject to bias and faulty perceptions.

Lord Goddard's summing up in relation to Derek Bentley virtually left the jury no option but to declare him guilty of murder. In every manner he gave credence to the prosecution's case and dismissed the defense's presentation. As David Yallop concluded, Bentley's defense—

surely justified better treatment than it received from Lord Goddard. *Ibid.*, p. 225

Yallop also concluded that Lord Goddard's

summing up contained both a dangerous confusion of thoughts, and a number of inaccuracies. *Ibid.*, p. 223

The Chief Justice went to great lengths to convince the jury that Derek Bentley knew that his accomplice was armed with a pistol, and encouraged him to use it. Such conclusions were necessary under the law to ensure Bentley's conviction of murder, since he had not wielded the weapon and possessed no gun himself. Lord Goddard opened his remarks concerning Bentley as follows,

Well, now I turn to Bentley. Members of the jury, these two youths are tried together, and they are both tried for the murder of the policeman. It is quite unnecessary, where two or more persons are engaged together in an unlawful criminal act, to show that the hand of both of them committed the act. The simplest illustration I could give you—after all, this is only a matter of common sense—is this: If two men go out housebreaking, it is a very common thing for one of them to break into a house and the other to stand outside and keep watch, but they are both taking part in the unlawful enterprise, and therefore they are both of them guilty, so if one stands outside so that the other may

hand out the loot to him, he is not guilty merely of receiving stolen property; he is guilty of breaking in, because he is a party to the breaking in; and where two are engaged on a felonious enterprise—and warehouse-breaking is a felony—and one knows that the other is carrying a weapon, and there is agreement to use such violence as may be necessary to avoid arrest, and this leads to the killing of a person or results in the killing of a person, both are guilty of murder, and it is no answer for one to say "I did not think my companion would go as far as he did." *Ibid.*, pp. 396, 397

After laboriously reiterating the legal position, that one who knew that his companion in crime carried a gun, could not then successfully plead in mitigation, that he did not believe that his companion would ever use it, Chief Justice Goddard then theorized,

Now let us see what the evidence is with regard to Bentley. The first thing that you have to consider is: Did Bentley know that Craig was armed? Now, you know, because I sit on the Bench and you sit in the jury-box it is not necessary that we leave our common sense at home. The great virtue of trial by jury is that jurymen can exercise the common sense of ordinary people. Can you suppose for a moment, especially when you have heard Craig say that why he carried a revolver was for the purpose of boasting and making himself a big man, that he would not have told his pals he was out with that he had got a revolver? Is it not almost inconceivable that Craig would not have told him, and probably shown him the revolver which he had? That is quite apart from what Bentley said afterwards. I should think you would come to the conclusion that the first thing, almost, Craig would tell him, if they were going off on a shop-breaking expedition, was: "It's all right. I've got a revolver with me." *Ibid.*, pp. 397, 398

Here is a judge who has presented guesswork as if it were substantial evidence. It does not necessarily follow that a boastful young man would confide to his accomplice that he was in possession of a firearm. It simply suited the judge's suspicions to propose such a notion as fact. Certainly this conclusion deprived Bentley of the right to be accorded the benefit of the doubt. And this doubt was quite substantive.

Lord Goddard then ostentatiously brandished other weapons found on the person of the accused.

Then see what Bentley had on him. Where is that knuckleduster? Apparently it was given to him by Craig, but Bentley was armed with this knuckleduster. Have you ever seen a more horrible sort of weapon? You know, this is to hit a person in the face with who comes at you. You grasp it *here*, your fingers go through—I cannot quite get mine through, I think—and you have got a dreadful heavy steel bar to strike anybody with; and you can kill a person with this, of course. Then did you ever see a more shocking thing than *that*? You have got a spike with which you can jab anybody who comes at you; if the blow with the steel is not enough, you have got this spike at the side to jab. You can have it to see, if you like, when you go to your room. It is a shocking weapon. Here was Craig armed with a revolver and that sheath knife. Hand me that sheath knife—the big one. One wonders, really, what parents can be about in these days, allowing a boy of 16—they say, perhaps, they do not know, but why do not they know?—to have a weapon like this which he takes about with him? It is not a new one, you can see; it is pretty well worn. That was the thing that Craig was taking about. Where is the other knife? Here is Bentley with a smaller knife, but you can feel it is sharp and pointed. What is he carrying that with him for in his coat, not even with a sheath on it?

Can you believe it for a moment although Bentley had said he did not know Craig had the gun? You are not bound to believe Bentley if you think the inference and common sense of the matter is overwhelming that he must have known that he had it. *Ibid.*, p. 398

David Yallop's comments upon the judge's actions are worthy of consideration.

The theatricality of putting the knuckleduster on his hand and showing his clenched fist to the jury, the request to have the knives handed up to him so that he could jab the air with them as he made his points, these were gambits that Lord Goddard frequently used when he sat in judgment and they were extremely effective. *Ibid.*, pp. 223, 224

The judge totally ignored the fact that Bentley did not in any way make use of the two weapons on his person. In fact he personally handed them to the arresting policeman, Sergeant Fairfax. He displayed no form of resistance when arrested.

Lord Goddard then presented what he considered to be definitive evidence of Bentley's involvement in the shooting.

Now, of course, the most serious piece of evidence against Bentley is that he called out, if you believe the evidence, to Craig "Let him have it, Chris!", and then the firing began, and the very first shot struck Sgt. Fairfax. Gentlemen, those words are sworn to by three police officers—Sgt. Fairfax, Police Constable McDonald, and Police Constable Harrison; they all swear that they heard Bentley call that out, and that then the firing started. There is one thing I am sure I can say with the assent of all you twelve gentlemen, that the police officers that night, and those three officers in particular, showed the highest gallantry and resolution; they were conspicuously brave. Are you going to say they are conspicuous liars?—because if their evidence is untrue that Bentley called out "Let him have it, Chris!", those three officers are doing their best to swear away the life of that boy. If it is true, it is, of course, the most deadly piece of evidence against him. Do you believe that those three officers have come into the box and sworn what is deliberately untrue—those three officers who on that night showed a devotion to duty for which they are entitled to the thanks of the community? *Ibid.*, pp. 398, 399

In fact only two police officers had testified that Bentley made the remark attributed to him. Christopher Craig supported Bentley's denial that he issued any such command. The lack of any resistance to his arrest; his voluntary passing over of the two weapons he carried; and the fact that during the shooting Bentley's life was also in peril, since Sergeant Fairfax used him as a shield; all point to the accuracy of Bentley's denial.

Surely the Chief Justice's aligning of courage and honesty on the part of police officers was a curious one. Courage is one matter, honesty is entirely another matter. They are not united features of character. It is quite likely that the police officers spent no little time in discussions concerning the events of that night. In such discussions it is not uncommon for one party to possess a false recall, and to convince others that they too heard the same statement. This is particularly true in the center of a life-and-death situation, when the last matter that addresses the thoughts is the need to provide an accurate recall of what transpired in the heat of the moment. In such circumstances, it would be well nigh a miracle if three separate witnesses were to possess identical recall.

We are aware of a couple taking their wedding vows. Later the groom recalled that the officiating minister apparently forgot the bride's name and substituted the words "this dear woman." The bride, in discussing this matter with the groom, accepted his recall and genuinely testified that she had also heard those precise words. They were not a little surprised when they received the video tape record of the wedding to find that the minister had used entirely different words.

Now, it is true that there is some level of stress during a wedding, but we would suggest that the midst of a gun battle would produce considerably greater stress. This couple had no good reason to misreport the minister's words. In fact, they view the incident with mirth. On the other hand, arresting police officers in the line of fire have a genuine motive, whether conscious or unconscious, to misreport the words of a felon involved in a crisis situation.

The judge unfairly dismissed Bentley's denial of the alleged words spoken as—

the denial of a man in grievous peril. *Ibid.*, p. 400

He also made much of Bentley's alleged statement to police officers in the police car transporting him to police headquarters, "I didn't know he was going to use the gun." Lord Goddard asserted that "If he said that, it shows that he knew it." (*Ibid.*, p. 399)

It shows no such thing. Such a statement could equally have been uttered by someone who was aware that his friend possessed a gun, or by one who was quite ignorant of this fact.

This trial lasted but ten hours. The jury took only seventy-five minutes to consider its verdicts in both cases. The judge's summing-up, with its emphasis on the prosecution's case and unproven assumptions concerning Bentley's guilt, no doubt left the jurors with little to discuss. Yet they cannot have accepted Lord Goddard's assumptions in their entirety, for in the case of Bentley they returned a verdict of "Guilty, with a recommendation to mercy." The date was December 11 1952.

Had the jury been informed of its right to judge the law as well as the facts, a right which the Chief Justice forbade—"you will have to consider the facts and apply the facts in accordance with the law as *I* tell it to you" (emphasis added)—had they been informed that they possessed the prerogative to discount the judge's directions and conclusions—it is likely that they would have acquitted Bentley of murder and that his crime would have been reduced to attempted robbery.

Bentley's appeal to the High Court was dismissed on January 11 1953. Since the judges who sat on the appeal were direct subordinates of the Chief Justice, it would have been difficult for them to find fault with the Chief Justice's conduct of the trial.

Arrogantly ignoring the jury's recommendation of mercy, the British Government's Home Secretary, Sir David Maxwell Fyfe (later Lord Kilmuir) rejected Bentley's final appeal for clemency on January 26 1953. This decision generated an outrage among the citizens of the nation, and strenuous efforts by a large number of the members of the House of Commons to save Bentley's life.

On the evening of January 26, and during the day of January 27, 1953, the matter was strongly pressed in the House of Commons. The Speaker callously ruled that,

"While a capital sentence is pending the matter should not be discussed by the House [of Commons]." In other words the case could only be discussed *after* Bentley was hanged. *Ibid.*, p. 271

The following morning at 9 a.m., Derek Bentley was hanged. Only 87 days had passed since the crime was committed. How different from the American justice system!

Placing a symbolic black piece of cloth upon his judicial wig, Lord Goddard had passed sentence upon Bentley on December 11 1952, using the following words,

Derek William Bentley, you are nineteen years of age; it is my duty to pass upon you the only sentence which the law can pass for the crime of willful murder. The sentence of the Court upon you is that you be taken from this place to a lawful prison, and thence to a place of execution, and there you suffer death by hanging, and that your body be buried within the precincts of the prison in which you shall have been last confined before your execution; and may the Lord have mercy on your soul. *Ibid.*, p. 230

On January 28 1953, Lord Goddard's sentence was effected.

Because of his age, Christopher Craig was sentenced to be "kept in strict custody until the pleasure of Her Majesty is known." In effect this sentence indicated that Craig was to be imprisoned for an indeterminate period, to be decided by the advice of the government of the day to Queen Elizabeth, who had just ascended to the throne in February, 1952. Craig, in fact, was released in 1963 after ten and one-half years' imprisonment.

The comments of Sir Malcolm Hilberg, in his book *Duty and Advocacy* concerning the Bentley case and the relation of judge to jury, are worthy of record.

A jury is twelve ordinary citizens, with probably little or no training in consecutive thought. They will be largely if not entirely swayed by emotion. But remember that in all probability they do not think so. The less training or capacity for reasoning they have, the more certain it is that they will pride themselves on being susceptible only to strict logic and impervious to mere emotion. In finding Bentley guilty, that jury showed a frightening facility for standing logic on its head; they had shown a truly remarkable—or perhaps only too human—susceptibility to mere emotion. But they did display one undoubted virtue. In recommending mercy, the jury betrayed that it had a conscience. That attribute was to be singularly lacking in the Home Secretary, Sir David Maxwell Fyfe. *Ibid.*, p. 233

The jury had considered the law as directed by the judge. They had not considered justice. When juries are ill-informed of their privileges and responsibilities, the way is opened not only for unjust decisions, but for the denial of the inalienable rights of religious and civil liberty.

Chapter 6

The Declaration of Independence, the United States Constitution, and the Bill of Rights

NO human document is perfect. Only the Word of God can be claimed to be perfect because it is inspired of God, the source of infinite wisdom. Yet it can be articulately argued that the words crafted to protect the citizens of the emerging United States of America come closest of any human document to that perfection. This is undoubtedly because many of the framers of the Constitution deeply revered the Word of God and the principles enunciated in the Scriptures. Though not American, we have tried to look objectively at these documents.

Having not been educated in the United States, we do not have the complete scope of American history background that is available to those who are educated citizens of this nation. However, both of us have studied history extensively. Both of us have a major in history in our

baccalaureate degree from the University of Sydney, and so we came to our study not in complete ignorance of the background that led to the Declaration of Independence, the establishment of the Constitution, and the Bill of Rights. Nor are we unmindful of the history that led to the developing freedoms in Great Britain which represented increasing understanding of the true freedoms that governments must preserve for the citizens of their nations. The impact of the Magna Carta, 1215, while making little change to the quality of life for the average citizens of Britain, did widen the authority and power of the barons of England. The peasants' revolt of 1387, led by Watt Tyler, though in many ways leading to a tragic outcome, nevertheless can now be seen as a stepping stone toward the freedoms of the common citizens of England.

In the wake of the forced abdication of King James II, the British Bill of Rights of 1689 promised greater freedom and rights for the ordinary citizen of that nation than had been granted to any people in the Christian era. In this world, freedom is rarely achieved without bloodshed. American freedom was no exception, being won at the loss of both British and American lives during the War for Independence. While such sacrifices are mourned at the time, subsequent generations who enjoy the blessings of such benefits often give little thought to the sacrifices of the past. Thus these freedoms are taken for granted, leading to the peril that step by imperceptible step, those freedoms suffer erosion.

Freedom is the result of constant vigilance, for small steps of change become large steps, and large steps become giant steps. The United States is fast changing the intent of the Constitution and the Bill of Rights, which intent is rapidly being destroyed by invalid legal interpretations. One of the best memorized sections of the unanimous Declaration of the thirteen United States of America is in the Preamble, as follows:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. Declaration of Independence

These are powerful words, but we would offer some comments on the issue of the pursuit of Happiness. We see happiness as a result, not a right. Indeed, we believe that one of the more dangerous practices is the pursuit of happiness. The pursuit of happiness frequently leads to the greatest unhappiness. Men and women who pursue happiness find that it is a bottomless pit, because such a pursuit is inevitably built upon egocentric and selfish goals. The Bible teaches that happiness is the result of walking in the ways of the Lord.

Blessed is every one that feareth the Lord; that walketh in his ways, For thou shalt eat the labour of thine hands: happy shalt thou be, and it shall be well with thee. Psalm 128:1, 2

And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God, to walk in all his ways, and to love him, and to serve the Lord thy God with all thy heart and with all thy soul, to keep the commandments of the Lord, and his statutes, which I command thee this day for thy good? Deuteronomy 10:12, 13

The only pursuit that will lead to lasting fulfillment and happiness is the pursuit of the ways of the Lord. Certainly we can strongly support the concept that these rights of liberty can be secured only when—

Governments are instituted among Men, deriving their just powers from the consent of the governed. Declaration of Independence

It took courage for the representatives of the thirteen colonies to sign what would be seen as a treasonous act against King George III. The people of the United States chose a republic rather than a monarchical form of government. Their experience with King George III no doubt had strongly influenced this decision. But deeper than this was the belief that no one should by right of birth have right of rulership or control over his fellow humans. It was the hope that no one be excluded from the highest offices of the land. These men believed that no person was qualified to rule simply by right of birth. They felt rather that ability, integrity, and talent ought to decide who should hold responsible positions in government. Further, it was decided that only someone affirmed by the people themselves through the electoral processes would have the right to hold high offices in the land.

It was four years after the ratification of the Constitution in 1787, that the Bill of Rights (the first ten Amendments), effective December 15, 1791, guaranteed the highest level of protection for the citizens of the nation. What is most difficult for the authors to understand, is how men of such noble understanding of freedom as Jefferson, Madison and Henry, could be content to see these freedoms withheld from the African slaves of the new nation. The subsequent fight for emancipation and equal protection under the law for all citizens has indeed been a hard-fought one; one that has reflected, often unfavorably, upon the dominant white majority.

The Bill of Rights also guaranteed the American people the freedom to worship according to the dictates of their consciences. No provision has sustained these freedoms more effectively than the First Amendment,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The First Amendment, in the most emphatic way, guaranteed the separation of church and state. While it can be argued that the Bill of Rights does not use the clause "separation of Church and State," it cannot be argued validly that the concept of church-state separation is not inherent within the words of the non-establishment clause: "Congress shall make no law respecting an establishment of religion." This principle of church-state separation that has been held so nobly up to recent times, however, is rapidly being eroded, not by a constitutional convention, but by the decisions of the Supreme Court of the United States. (See chapters 7 and 8.) With regard to the two great arms of freedom, civil and religious, any violation in either area steers a nation closer to oppression.

Also of special interest to us is the Second Amendment to the Constitution: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." The more than two centuries that have elapsed since this article was incorporated within the Constitution have greatly eroded its effectiveness, as is explained in chapter 9, entitled, "The Rise of Tyranny." The high goals of the framers of the Bill of Rights have been eroded by the march of technology. In contrast to the eighteenth century, governments can amass weapons of mass destruction beyond anything likely to be ordinarily available to a

citizens' army. This makes the people of the United States, or indeed any nation of the world, far more responsible to protect these freedoms through the electoral box and through the jury system, so that the sacrifice which led to the freedoms in the first place will not be lost. We reject out of hand the only other alternative, the use of terrorism.

Chapter 7

Erosion of the First Amendment

SECULAR and religious writers alike recognize a dramatic shift in the interpretation of the First Amendment of the Bill of Rights. The most significant ruling came in a case sometimes called "Smith versus the State of Oregon," alternatively the "Peyote case," handed down by the Supreme Court April 17 1990.

The case involved two American Indians who were drug counsellors on an Indian reservation in the state of Oregon. The two counsellors had admitted that they ingested peyote during a religious ceremony. The state of Oregon had argued that that act disqualified them as suitable counsellors. The defendants claimed that because the ingestion of peyote was part of the ancient religious services of the Indians, its use in religious services was protected by the First Amendment to the Constitution.

Precedent for this claim was cited from the prohibition days, when exceptions were allowed for Roman Catholics and some Protestant groups who used fermented wine in the communion service.

However, the Supreme Court by a six-to-three vote upheld the dismissal of these workers. Only the three well-known liberal justices of the time, Justices Harry A. Blackmun, William J. Brennan, and Thurgood Marshall, accepted the protection of the first amendment as covering the counsellors' right to use peyote during a religious service. We do not wish to comment upon the rights or wrongs of that particular decision. However, in a somewhat unusual move, Justice Sandra Day O'Connor, while voting with the majority on the specific case, vigorously objected to the majority opinion as written by Justice Antonin Scalia. Rather than rendering a relatively narrow opinion, Scalia chose, with the support of four other justices, Chief Justice William Rhenquist and Justices Byron White, John Paul Stevens, and Anthony Kennedy, to greatly widen the impact of the decision. To most reviewers, the ruling indicated a dramatic departure from the time-honored American heritage of protecting the religious rights of minority groups. In what became a famous report on the decision, David Savage, of the *Los Angeles Times*, wrote,

In what was called a "radical departure" from previous rulings protecting religion, the Supreme Court Tuesday forcibly declared that it would no longer shield believers whose practices violate general laws. *Los Angeles Times*, April 18 1990

Savage went on to report,

Religions that are out of the mainstream are most likely to be affected, because their unconventional practices and lack of political clout have led them to depend upon the courts for protection.

In reviewing Scalia's ruling Savage wrote,

But in a sweeping opinion, Justice Antonin Scalia went far beyond the case and declared that when religious rights clash with the government's need for uniform rules, the court will side with the government.

Even for lay members of the community, this decision dramatically eroded the protection given to those citizens who were members of churches not part of the popular or mainstream churches of America. Savage went on to report,

We cannot afford the luxury "of striking down laws simply because they limit someone's religious practice." Scalia said. He advised religious adherents to look to the political system, not to the courts for protection.

Such a statement had a hollow ring. A major purpose of the legal system should be to protect minorities against the majority. The political system, on the other hand, by its very nature caters to majorities, for it is majorities who make the larger impact at the ballot box. It is hard to imagine politicians consistently supporting minority groups, especially small minorities, who have little effect upon the outcome of an election.

The architects of the Bill of Rights sought to safeguard the rights of minorities through the First Amendment. It would not be going too far to suggest that Scalia's opinion was a direct violation of the Constitution of the United States. We question how justices who had sworn to uphold the Constitution of the United States could have rendered such an opinion. We are even more surprised that the majority of the citizens of the nation, or alternatively the members of Congress, did not rise up more decidedly against such a decision. It would seem that only a minority of Congressional members held deep concerns about this ruling.

Naturally the ruling sent nervous shivers into the midst of the many minority groups in America—not religious minorities only, but all minority groups in the nation. The question was asked, Could this lead to the return of the persecution that was all too apparent in early American History? It would seem to us that such a decision, in the face of the clear intent of the first amendment, should have been grounds for impeachment of the justices who formed the majority opinion.

That Scalia, and presumably the other justices, knew exactly what they were doing, was plain from the words chosen to express the opinion:

The new ruling "will place at a relative disadvantage those religious practices that are not widely engaged in," Scalia conceded, "but that unavoidable consequence of democratic government must be preferred to a system in which each conscience is law." Ibid.

It is evident that Scalia saw his opinion as trampling upon the conscience of minorities. Whence could such a concept come within the boundaries of the Supreme Court? The foundation for such a decision comes from a concept of majoritarianism now strongly being taught in many of the law schools of the United States. Majoritarianism is based on the idea that laws should be built upon the common practices and beliefs of the majority of the citizens of the United States: thus decisions should be made in favor of the majority concepts of mainstream America. The more liberal law schools, including Harvard, have avoided teaching this concept. But a conservative

Supreme Court was established during the Reagan-Bush era through the practice of appointing no "liberal" justices to the court.

Of great significance was the dissenting opinion of one member of the Supreme Court,

Justice Sandra Day O'Connor, normally on the conservative side, voted with the majority on the *Peyote* Case. But she objected strongly to Scalia's opinion, which will be binding on lower courts.

His opinion "is incompatible with our nation's fundamental commitment to individual religious liberty," she wrote, "in my view the first amendment was enacted precisely to protect the rights of those whose religious practices are not shared by the majority and may be viewed with hostility."

The court dissenters said Scalia's opinion effectuates a wholesale overturning of settled law concerning the religious clause of our Constitution. Had his opinion been law during prohibition, they noted that government could have banned the use of sacramental wine during communion. Savage

Savage also quoted the opinion of legal experts:

Legal experts on religion said the opinion marked a sharp change in the court's doctrine, and could affect mainstream religions. For example, one noted that the Roman Catholic Church's practice of ordaining only men required that they be exempted from laws banning sexual discrimination.

While such a conclusion is unlikely because Roman Catholicism is now considered part of the mainstream of religious life in America, nevertheless the implication for minority groups would be broad. Savage pointed out that the Supreme Court has in the past strongly shielded minority religions such as Jehovah's Witness and the Amish, believing that their decisions were fundamental to the first amendment's protection of the free exercise of religion.

In his article Savage noted some of the classical examples of the past when the Supreme Court sometimes rendered unpopular decisions to uphold the principle of the first amendment. Here are a number of the examples he quoted.

In the 1940s, in response to appeals from Jehovah's Witnesses, the court struck down general laws banning door to door soliciting. In 1943 in the middle of World War II, the justices struck down all the mandatory flag-salute laws in the public schools because children of Witnesses refused to salute the secular symbol.

In 1963, in a much quoted opinion, the court said that states could not deny unemployment benefits to Seventh-day Adventists who refused to work Saturdays. Even as late as 1972, the court exempted Amish children from compulsory school laws. Savage

Surely this was the Supreme Court acting at the highest level and intent of the first amendment. No longer can minorities expect such protection. We believe that such decisions could not have held sway, had the general citizenry of the nation risen up against such unconstitutional opinions. It is a passive citizenry that permits the erosion of freedom.

The impact of the *Smith versus Oregon* case became apparent very quickly. Less than a year later, in an article by Ruth Marcus in the *Washington Post* of March 9 1991, some examples were given. We quote from that article,

For more than fifteen years, members of the Sikh Religion, who wear turbans, received an exemption from the federal regulation requiring construction workers to wear hard hats.

Last November, the Occupational Safety and Health Administration lifted the exception. The agency was not responding to reports of injuries but to a Supreme Court ruling on a seemingly unrelated topic. *Washington Post*, March 9 1991

That unrelated topic was the ruling of the Supreme Court in favor of the state of Oregon in the *Peyote* case detailed above.

When Laotian immigrant Neng Yang died suddenly at age 23, the Rhode Island medical examiner insisted on performing an autopsy. He overrode the wishes of the man's parents, Hmong refugees whose religion views autopsy as an abhorrent mutilation of the body that prevents the spirit from being set free.

Yang's parents filed suit claiming that the forced autopsy infringed on their religious freedom. In January 1990 U. S. District Judge Raymond J. Pettine upheld their claim. Ten months later when Pettine was deciding how much money the family should be rewarded the judge announced—"With deep regret" and "the deepest sympathy to the Yangs"—that the *Smith* decision forced him to reverse his ruling. Marcus

This case is worthy of note. That the claim of the Yangs was genuine, can be attested by Russell, who spent almost twenty years as a physician to Buddhists in Thailand, Malaysia, and Singapore. Never once did relatives grant permission for an autopsy upon the deceased. It was believed that the autopsy would disturb the spirit of the dead person. While not sharing this religious conviction, Russell never breached this Buddhist tenet.

Significantly, this case occurred in the state of Rhode Island, the very first colony ever to guarantee religious liberty to its citizens under the wise guidance of Roger Williams.

Further, it will be noted that Judge Pettine found in favor of the Yangs in January 1990, three months *prior* to the "*Smith*" decision. When he returned to rule on damages in November, 1990, seven months *after* the Supreme Court decision concerning the *Smith v. Oregon* case, he felt bound by the Supreme Court ruling.

Thus the Supreme Court decision had effectively destroyed the religious liberty of the Yangs. It seems incredible that five American Justices of the Supreme Court could deprive over a quarter of a billion citizens of their religious liberty while the Constitutional guarantee of such liberty was still unaltered.

It is a most serious matter when the Supreme Court feels at liberty to override the Constitution. Since the justices hold their posts for life, and thus do not have to face election periodically, such decisions are even more dangerous. Other lower court decisions influenced by the *Peyote* case are cited below.

Just one week after the *Smith* decision, the justices overturned a Minnesota Supreme Court ruling that it was a violation of the free exercise right of an Amish man to display a fluorescent orange triangular emblem on his buggy—something the Amish consider an improper worldly symbol. The justices instructed the Minnesota court to reconsider that decision in the light of *Smith*.

The justices this week overturned a Washington state ruling granting a church an exemption from Seattle's historic preservation law. They ordered the Washington Supreme Court to review Smith in reaching its decision. The court also declined to hear a case in which a federal appeals court, citing Smith, rejected a New York church's attempt to overturn its landmark designation.

The Federal Appeals Court in Chicago ordered a lower court to review a Muslim prison inmate's complaint about meals containing pork but noted that "Smith" cut back, possibly to minute dimensions, the doctrine that requires government to accommodate, at some cost, minority religious preferences. Marcus

The *Washington Post* article quoted Forest Montgomery, counsel for the National Association of Evangelicals, as saying,

"The problem with the decision is that the United States Supreme Court has gutted the free exercise clause of the first amendment. "

The article also quoted University of Texas law professor Douglas Laycock as saying,

"Smith is being taken for all it is worth," by lower courts handling religious freedom cases.

Clearly the Supreme Court now views itself as a second legislature. Instead of delivering judicial decisions on the basis of laws made by elected legislators and the executive, the Supreme Court now enacts laws of its own devising. Again we would emphasize that such unwarranted action of the judiciary is fraught with great peril. Since Supreme Court justices are not subject to the elective process and are elected for life, the citizens have no way in which they can express their dissent from the actions and enactments of the Court. Never should the justice system be permitted to enact laws. This is not its proper function. That function belongs to the legislative and executive arms of government.

President Bill Clinton satisfied some by introducing the Religious Freedom Restoration Act in 1993. This act did proclaim the serious consequences of the Smith (Peyote) decision in 1990. In Section 2, subsection (a), Article 4 of the Act it was stated that—

In *Employment Division v. Smith*, 494 U.S. 872 (1990) [the *Peyote Case*] the Supreme Court virtually eliminated the requirement that the government justify burdens of religious exercise imposed by laws neutral towards religion.

However, the law suffers from two serious impediments. The first was that it has been found necessary to enact religious freedom in Congress. This should be totally unnecessary, since such freedom is guaranteed by the Constitution. Once a freedom is reduced to guarantees by law, then it is evident that the same body, the Congress, with Presidential consent, can remove that freedom in defiance of the Constitution. It would have been of far greater worth had Congress impeached the five Justices for their effort to destroy the First Amendment through the judicial processes. This would have sent a powerful signal to all future justices to remain within their proper sphere of duty.

The second impediment was that in Section 3, Subsection (b) of the Religious Freedom Restoration Act, exceptions were provided to the provision of religious liberty. This Subsection stated,

3(b) EXCEPTION.—Government may substantially burden a person’s free exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

Manifestly, future governments would be left to interpret "governmental interest" to their own benefit. The Act left the door open to religious persecution. This was a matter of no little import for the future of American religious liberty.

A deeply divided Supreme Court on July 2 1997, cut down the Religious Freedom Restoration Act. This confirmed the Court’s decision to support its 1990 opinion in *Smith versus the State of Oregon*, which greatly limited the religious freedom guaranteed in the Bill of Rights. No one who cherishes the hard-won freedom of the past can remain passive in response to these most dangerous Supreme Court decisions.

While not related directly to the *Smith* case, nevertheless we must recognize the powerful impact of majoritarianism in decisions handed down involving child custody cases resulting from divorce proceedings. Here are four examples, the first three of which are personally known to Colin. To protect the individuals concerned, names are not provided.

(1) Arizona. A husband and wife had separated and finally divorced over the alleged incestuous approaches of the father to the two children. The wife, a devout Christian, held principles which included a vegetarian diet and no television in the home. Before the judge ruled on custody, the father and mother were required to undergo an extensive psychological test evaluation. The test revealed the mother to be a well adjusted woman, while the father showed evidences of maladaptation, deception, and unreliability. Naturally the mother was confident of the outcome of the judge’s ruling. But the husband employed a very shrewd lawyer who painted the mother as fanatical and over-strict with her children. To her consternation the judge, no doubt following majoritarian principles, gave custody to the father.

(2) Maryland. A mother, also with deep Christian principles similar to those in the Arizona case, was, in addition, home schooling her children. Before the trial, Colin warned her to hire the very best counsel and experts on health and education that she could. But unfortunately she did not follow that advice, and she too lost custody to a husband of doubtful character.

(3) Massachusetts. The outcome of this case was entirely different. The mother, unhappy with public school and even Christian school education, had decided to home school her daughter. The mother, a trained nurse, also possessed very high Christian standards, even to the point of the daughter being reared on a regimen of two meals a day. In the providence of God, the regular judge was sick the day of the trial and a retired judge replaced him. This judge no doubt was trained long before the principles of majoritarianism were taught in the law schools of America. This father, too, attempted to point out the "fanaticism" of his former wife, but at this hearing the judge made it plain that he thought her a very responsible mother. As a trained nurse, she explained what she had observed in the lives of those who were not careful in their dietary

habits. The judge, in ruling in favor of the mother, said that in his own family, his children would have been worth nothing if he had not been careful in controlling their dietary habits.

(4) Nebraska. The Supreme Court of the state of Nebraska in 1990 ruled that a Jehovah's Witness father could not teach his daughter Jehovah's Witness belief in competition to his divorced wife's Roman Catholic faith when he had the daughter for visitation. He was warned that if he taught Jehovah's Witness beliefs to his daughter he would lose his visitation rights.

Surely this is yet another nail hammered into the coffin of religious liberty. These are not isolated issues. They are representative of an increasing number of decisions that are being made in the lower courts of America. Parents who are members of minority church groups and hold high moral and spiritual principles are increasingly losing custody of their children to parents of questionable morality who are following the crumbling standards of mainline America today. These decisions are contributing greatly to the erosion of the principles enshrined in the First Amendment. Only as those who are in the main line of American thought and practices see the need to protect the rights of those who are minorities, will there be any hope of reversing this most dangerous trend in the nation.

Chapter 8

The Supreme Court Overrides the Fifth Amendment

THE Fifth Amendment to the U. S. Constitution stands with the First Amendment as a bulwark against religious and civil persecution. The Fifth Amendment states,

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

In essence, the Fifth Amendment guarantees that no coerced confessions may be used in court as evidence against the accused. This Amendment guarantees that torture, physical or psychological, may not be used against an individual accused of felony as a means to extract a confession of guilt from him. Only confessions freely stated may be cited as evidence in court. Such a guarantee is an essential protection to all citizens if faithfully implemented. An even better system of justice in this matter was that held by the Jews in Christ's day. The confession of one accused was inadmissible, whether coerced or freely made (see chapter 26 entitled "The Jewish System of Justice"). Such a rule of evidence insures that court torture is valueless in aiding the prosecution's case by the use of personal confession.

However, in a five-to-four decision on March 26 1991, the Supreme Court breached the Fifth Amendment. It must not be forgotten that the first ten amendments to the U. S. Constitution constitute the U. S. Bill of Rights, highly prized by freedom-loving people everywhere.

Voting 5 to 4, the court said some convictions may be allowed to stand *despite the use of confessions obtained in violation of the defendant's constitutional rights*. In an opinion by Chief Justice William H. Rehnquist, the court said that there may be so much other evidence of guilt that the use of an involuntary confession could be considered "harmless error." *The Washington Post*, March 27 1991, emphasis added

To uphold the decision of a court of law which includes evidence contrary to the Bill of Rights, surely is wholly unacceptable and would breach the Bill of Rights itself. Further, to refer to certain coerced confessions as "harmless error," is to countenance pre-trial torture of one kind or another. Are such activities ever "harmless error"? It is unlikely that the victim would consider the coercion in such a light.

Certainly Justice Byron White, one of the four dissenting justices, did not concur with the majority decision. In language full of significance for Christians who recall the horrors of the Roman Catholic Inquisition of the past, Justice White stated,

Permitting a coerced confession to be part of the evidence on which a jury is free to base its verdict of guilty is inconsistent with the thesis that ours is not an *inquisitional* system of criminal justice. *Ibid.*, emphasis added

Ruth Marcus observed that in practice, before this Supreme Court opinion was handed down, the court had in recent years used the "harmless error" test to uphold more and more convictions, despite the clear violation of the defendant's constitutionally guaranteed rights. Thus, unlike earlier court decisions, the recent court has allowed decisions to stand in cases where there has been evidence which included illegal seizure, or confessions obtained in violation of the defendant's right to counsel (*ibid.*).

The case in question was the appeal of Oreste Fulminante, an Arizona resident, who confessed to murdering his 11-year-old step-daughter. The confession was made to a fellow prison inmate who, unbeknown to Fulminante, was actually working as a government informant. The paid F.B.I. informant, Anthony Sarivola, masqueraded as a figure involved in organized crime. Sarivola won the friendship of Fulminante, then told Fulminante that he knew other inmates were harassing him because of rumors that he had murdered a child. Sarivola offered to protect Fulminante, but only if he knew the truth concerning the murder of the child. The crime truly was a fearful one. Fulminante, who also confessed to Sarivola's wife after he had been released from prison after serving time on an unrelated matter, admitted taking his step-daughter to the desert, choking her, sexually assaulting her, and making her beg for her life, before shooting her twice in the head. Fulminante was sentenced to die on the basis of the two confessions.

By a five-to-four vote of the Supreme court, Fulminante's conviction was overturned and a new trial ordered, because his confession had been obtained through the threat of physical violence.

After the handing down of this Supreme Court decision concerning "harmless error," a number of appeals citing coercion were rejected because of the Supreme Court's ruling (*ibid.*).

Ruth Marcus noted the dependence of the majority opinion upon the Supreme Court's 1967 opinion in *Chapman v. California*. In this case the court declared that not all constitutional violations required the criminal conviction to be overturned, providing the trial judge's error in admitting the evidence was harmless "beyond a reasonable doubt." The court had to be confident

that the error had no effect on the ultimate conviction by the jury. However, in the Chapman case, the court said that some constitutional rights were so basic to obtaining a fair trial that their violation could never be treated as harmless error. In the Chapman opinion, the justices specifically referred to coerced confessions as one such basic constitutional right. Thus the Chapman case, rather than supporting the breach of the Fifth Amendment as "harmless," in fact explicitly excluded it from such a definition. Nevertheless, Chief Justice Rehnquist greatly restricted the "error" required to automatically overturn the conviction of a lower court. His opinion maintained that only "structural defects" that affect "the entire conduct of the trial from beginning to end"—such as a failure to provide a lawyer for the defendant, or having a biased judge preside over the case—required automatic reversal (ibid.). Surely, as in the Smith case, the Fulminante case has seen the justices of the Supreme Court violate their vow to uphold the Constitution of the United States of America.

The timing of the Supreme Court opinion concerning "harmless error" seemed particularly unfortunate. It came at the time of great national consternation in the United States concerning the brutal beating of Rodney King by Los Angeles police. The incident had been captured on home video by a citizen who happened to be close by.

The connection between Rodney King's beating and the Supreme Court decision was not lost on *Washington Post's* cartoonist Herblock. In the *Washington Post's* March 27 1991 edition, Herblock depicted a burly Los Angeles police officer clenching a large baton, reading the headlines of the Supreme Court's "harmless error" decision and saying, "Some good news for a change." The sentiments of the cartoonist unquestionably captured the reactions of many U. S. citizens concerned at the dangerous erosion of the civil and religious freedoms in their beloved country (ibid.).

It must not be forgotten that no appeal court can rightly judge the degree to which a coerced confession was weighted in the minds of the jury members when they voted their decision of guilty. While the Appeal Court may believe that there "was so much evidence" as to merit a conviction, the jury may have decided otherwise. It is the jury which must be left to make such decisions. If the other evidence is so overwhelming as to convince a jury, surely there is no need to introduce evidence gained by illegal coercion. We must never forget that this decision opens the way for various forms of torture to be used to extract confessions, a decision inconsistent with civilized society. Inevitably the use of physical and psychological torture increases the number of innocent persons convicted.

With the Smith case, as well as the Fulminante case of Arizona cited above, we see that the Supreme Court provides a mechanism for voiding the guarantees enshrined in the Bill of Rights without the use of the complicated and difficult procedures necessary to alter the Constitution. It is a mechanism full of danger to the citizens of the United States, and if left unchecked, will almost certainly lead to the United States abrogating every element of justice and liberty.

There seems little doubt that the weakening of the civil protection under the Fifth Amendment to the American Constitution plays a part in the alarming incidence of crime, especially violent crime, in the United States. However, while we abhor the violence and crime in society, and believe that every legal effort must be made to prevent such crime and to punish the perpetrators

of these crimes, we cannot but deplore the use of anti-Constitutional measures to apprehend and convict suspected felons. Surely, as noted above, such violation of basic human rights will inevitably lead to the conviction and imprisonment, even the execution of innocent citizens.

The Bible prophesies a time when freedoms will be taken from the citizens of the planet.

And I beheld another beast coming up out of the earth; and he had two horns like a lamb, and he spake as a dragon. And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to worship the first beast, whose deadly wound was healed. And he doeth great wonders, so that he maketh fire come down from heaven on the earth in the sight of men, and deceiveth them that dwell on the earth by the means of those miracles which he had power to do in the sight of the beast; saying to them that dwell on the earth, that they should make an image to the beast, which had the wound by a sword, and did live. And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not worship the image of the beast should be killed. And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. Revelation 13:11–17

For such a denial of liberty to occur, both religious and civil freedoms must be greatly violated. It appears that will inevitably be the result of the current Supreme Court rulings. Since the United States is now dominant in world affairs, and must unite with countries which presently deny liberty in fulfillment of the prophecy cited above, it is beholden upon each citizen to arouse himself to oppose these decisions of the Supreme Court. Jury members need to be alerted to their responsibilities in these matters.

There can be no doubt that central to the prophecy cited, *worship* is the key issue.

And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to *worship* the first beast, whose deadly wound was healed. . . . And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not *worship* the image of the beast should be killed. Revelation 13:12, 15, emphasis added

That the economic boycott and death are universal is implied by the word *all*,

And he causeth *all*, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads. Revelation 13:16, emphasis added

Further, the prophecy plainly states,

And *all that dwell upon the earth shall worship him*, whose names are not written in the book of life of the lamb slain from the foundation of the world. Revelation 13:8, emphasis added

It would appear that the United States has already taken the first major steps required to fulfill this prophecy. This course has not been enacted by Congress, nor has a Constitutional Convention removed the First and Fifth Amendments. Five justices of the Supreme Court, exceeding their prerogative, have been permitted to imperil the religious and civil liberties of the nation and set it on course to fulfill divine prophecy.

Chapter 9

The Rise of Tyranny

WILLIAM Penn, the founder of the state of Pennsylvania, succinctly defined the principle that leads to tyranny.

Those people who are not governed by God will be ruled by tyrants. *Citizen's Rulebook*, p. 18

Penn understood that the foundation of all freedom is God. When we surrender our lives to God, through Christ, He frees us. If we surrender our lives to Satan, he enslaves us. It is a tragic fact that all who have rejected the matchless claims of Christ upon their lives and service are certain to be used by Satan, either to be enslaved themselves, or to enslave others. By contrast, the freedom of Christ is riveted upon truth—

And ye shall know the truth, and the truth shall make you free. John 8:32

Further, that truth is to lead us to the power of Jesus to free us from sin.

What then? shall we sin, because we are not under the law, but under grace? God forbid. Know ye not, that to whom ye yield yourselves servants to obey, his servants ye are to whom ye obey; whether of sin unto death, or of obedience unto righteousness? But God be thanked, that ye were the servants of sin, but ye have obeyed from the heart that form of doctrine which was delivered you. Being then made free from sin, ye became the servants of righteousness. Romans 6:15–18

For he that is called in the Lord, being a servant, is the Lord's freeman [margin: made free]: likewise also he that is called, being free, is Christ's servant. 1 Corinthians 7:22

One has only to be a student of history to see evidence that the setting aside of godly principles leads to tyranny. Multitudes today are entranced by the concepts of the New Age. These humanistic concepts were systematized and refined by the ancient Greeks, and inevitably led to hedonism and egocentricity, which foreshadow the collapse of society. Not only does humanism appeal to the pagan mind, but to the minds of infidels, atheists, and agnostics, who have no firm transcendent principles by which to order their lives. Humanism also finds an attraction in the heart of professed Christians who are unconverted.

But few would sustain such fervor if they had any concept of the historical development of the principles that underscore the New Age movement. New Age is simply old-fashioned pagan humanism in a new guise. The consequences of such humanism are plain to see for those who are students of history. One can only wonder how we can forget the dire consequences of humanistic philosophy.

Some have proposed a "Christian humanism." That is an oxymoron. Christianity is Christ-centered, and humanism is man-centered. If one reads uncritically the writings of the French philosophers of the eighteenth century, he may be charmed by the appealing language and concepts that are presented—concepts that appear truly noble, and that ostensibly uphold the dignity and equality of man. But events of history testify that this philosophy was a worthless sham. We must never forget that these very philosophies underlaid the French Revolution, which

led to the reign of terror, in which forty thousand people literally lost their heads by the guillotine, and myriads of others lost their lives in the Napoleonic Wars.

The great watch cry in the French Revolution was, "Liberty, Equality, Fraternity." One cannot deny that humanism, from a cursory evaluation, upholds noble and attractive goals. It underlies many movements in society which seek to preserve the dignity of man, and to protect him against abuses from tyrannical forces. While we cannot support such goals, yet inevitably the ultimate result has been tyranny itself. The reason for the discrepancy between the goals of humanism, and its results, is not difficult to discern. Without Christ in the life, men are naturally evil and are devoid of the possession of divine power which alone can bring noble aims to society.

This is an evil among all things that are done under the sun, that there is one event unto all: yea, also the heart of the sons of men is full of evil, and madness is in their hearth while they live, and after that they go to the dead.
Ecclesiastes 9:3

The heart is deceitful above all things, and desperately wicked: who can know it? Jeremiah 17:9

In many ways, humanism has proven to be a movement reacting against those concepts of former generations, when millions of oppressed people have been forced to abandon the value of life here and now, and to look only to eternal life as an answer to their poverty, misery, oppression, and persecution. We cannot deny that many claimants to the title *Christian* have been in the vanguard of oppression of their fellow citizens. However, when examination of such oppressions takes place, they are seen as the result of allowing pagan concepts to adulterate the divine principles of human freedom.

But humanism, swinging to the other extreme, ignores the ultimacy of eternity and measures man by himself. In so doing it replaces one evil with another. New Age concepts have been the harbinger of revolutionary concepts, contending that man has the ability to lift himself from the pit of abject wretchedness, to an elevated status where love, unity, and harmony reign. Humanism provides false hope, by proclaiming the view that man is himself able to eliminate all the injustices and inequalities that we see in the world today. It is a matter of irony that the Greeks who propounded this highly elevated view of man are the same Greeks who built their society upon slavery.

Men having failed to learn from the tragedies of the French Revolution, another small revolution took place in 1830 in Europe and, under the leadership of King Louis Philippe of France, a major revolution swept Europe in 1848, but again it failed to provide a panacea for the ills and injustices of Europe.

Karl Marx, the German philosopher, later took it upon himself to evaluate the consequences of the French Revolution and the Revolution of 1848. He declared that the principles undergirding these revolutions were sound, but that the execution of them had been faulted, leading to their failures. It was his stated purpose to explain how a humanistic revolution would succeed. The principles of Karl Marx were accepted by the Bolsheviks of Russia. This led to the Russian Revolution of 1917 and to the Communist Manifesto. The consequence was that about forty million people lost their lives under Soviet Communism.

These events having been recorded in the annals of recent history, it is inexplicable that once more large masses are looking to such faulted concepts in the New Age movement as their salvation. These humanistic concepts are expected to underpin the hope for one-world government and the one-world religion of the twenty-first century. No discerning Christian will accept such principles, which are built not upon the freedom principles of the Word of God, but rather upon man's faulted philosophy.

Should the whole planet come under the bondage of humanistic New Age philosophy, we may expect an unparalleled slaughter of those who would resist these global aims because of religious, political, or ideological convictions. For sovereign nations to surrender their independence to a global authority will in effect lead to the surrender of their citizens to the greatest slavery known in the history of the world.

Tyranny begins when unreserved loyalty is given to fellow humans. A leader may have fulfilled great deeds of bravery, he may have been a man of unparalleled achievements, but the yielding of unqualified loyalty to human beings is the ground base of tyranny. Unwavering loyalty is safe only in surrender to God. Unthinking loyalty to a fellow human being leads to unchecked power, which inevitably will lead to tyranny. Many countries have sent their soldiers to defend the liberty of another country while depriving their own citizens of freedom. Very frequently the liberation movements that have arisen around the world, while professing to be the purveyors of liberty, have proven to be more tyrannical, once they have taken over the reins of rulership, than the government they have overthrown. Many of those who have shouted with glee and ecstasy when the "liberators" have succeeded in overthrowing the government of the country, have themselves soon found that under the "liberation" government their lot is vastly worse. Frequently they have not only forfeited their liberty, they have forfeited their lives.

The citizenry of every nation must be vigilant in protecting the freedom of the populace. If the people would always rise up in vast numbers against any attempt to impose unlawful restrictions upon their inalienable freedoms, then oppression could not survive. But all too frequently the citizens of a nation are more concerned with prosperity, comfort, ease, and pleasure than the recognition of the subtle erosion of their freedom. If freedom became the number one concern of a nation, then any government which sought to deprive its citizens of even the slightest degree of freedom would be expelled from power before it obtained dictatorial authority. The words of Samuel Adams, one of the signatories of the American Declaration of Independence, should not go unnoticed.

If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chain set lightly upon you, and may posterity forget that ye were our countrymen. *Citizen's Rulebook*, p. 14

The Eastern European nations cast off the shackles of Communism in 1989, and the Soviet Union in 1991, when the masses of citizens united against their oppressive governments. These governments, who for decades had held their people by fear, proved powerless when the people united together against their tyranny. It is indifference, fear, and cowardice of the populace which are the secret of the success of tyrannical or oppressive governments.

Chapter 10

Toleration of Liberty

THE Scripture makes it plain that our responsibility in religious matters is to God and not to man.

Who art thou that judgest another man's servant? to his own master he standeth or falleth. Yea, he shall be holden up: for God is able to make him stand. Romans 14:4

So then every one of us shall give account of himself to God. Romans 14:12

Ye are bought with a price; be not ye the servants of men. 1 Corinthians 7:23

Therefore it is the right of free citizens to dissent when men attempt to control them in matters of religious life and practice. It is important that we understand the difference between liberty and toleration. The American Constitution and those of many nations of the world guarantee much more than toleration—they guarantee freedom to worship according to the dictates of each man's individual conscience. There are countries, however, which do not afford such freedom. Yet they maintain that their constitution allows for religious toleration.

We very well might ask the difference between the two. Religious liberty demands the separation of church and state. Before there can be religious persecution, there must be a union of the civil and religious powers. The church must have access to the power of the state to punish those who dissent from her doctrines, practices, and authority. Religious tolerance, however, requires no separation of church and state. Neither does it guarantee freedom of worship. Indeed, the concept of toleration is embedded in the power of the state to control the religious practices and beliefs of its citizens.

Russell resided for a number of years in an Islamic nation which granted religious toleration to its citizens. Thus Christians, Buddhists, Hindus, Sikhs, and Jews were permitted to worship freely and follow their own specific practices.

Nevertheless, this toleration fell far short of religious liberty. While Islam had the right to evangelize those of other faiths, this privilege was not reciprocal. There was a prohibition upon evangelism directed to adherents of the Moslem faith. One pastor, who was a convert to Christianity from Islam, achieved modest success in converting Moslems to the Christian faith. The pastor was arrested and imprisoned without trial under the Internal Security regulations of the nation. He was released only when he agreed to leave his homeland for the remainder of his life.

Four former adherents to Islam accepted the Baptist faith. Their blue identity cards were revoked and they were issued with brown identity cards. In that nation the color of the identity card indicated status. Blue cards indicated full citizenship, red cards were issued to permanent residents, while green cards, one of which Russell held, were provided those with work permits. Brown cards were reserved for "undesirables" such as paroled felons and political dissidents.

Thus these converted Christians were immediately identified as "undesirables" upon the presentation of their identity cards. Since the card itself contained no mention of the reason for its issue, the individual may well have been a convicted murderer on parole, for all those viewing the card might know. The four Baptist men found the obtaining of employment almost impossible. Eventually they were compelled to emigrate in order to live acceptable lives, and thus their Christian witness to their fellow citizens was lost.

A visiting New Zealand Christian was charged with vilifying the Koran and Islam, an offence punishable by a long term imprisonment. His "crime" was to testify to the love of Jesus and to express his faith in the Bible to an Islamic man. He made no mention of the Moslem faith nor of the Koran, but was convicted of the offense as charged on the grounds that his words contained an implied denigration of both Islam and the Koran. Probably because of the strenuous diplomatic efforts of the New Zealand High Commission, the New Zealander was given a "light" sentence—one day's jail, immediate deportation upon the expiration of the sentence, and a lifetime ban upon reentry to the country. It was likely that the man was only too willing to accept this latter penalty.

Even more serious was the prohibition of the use of the Bible in the national language. The government decreed that over thirty words in the language of the country were reserved for use only in Islamic worship. Since these words included those for God, Salvation, disciple, and other words freely used in the Bible, God's Word was prohibited. There was no prohibition on the use of the Bible in other languages, such as English, Mandarin, and Tamil, since they contained none of the prohibited words which were all Arabic words found in the Koran and introduced into the national language.

A Eurasian couple who were Roman Catholics had been happily married for twenty-five years. The wife, unbeknown to her husband, converted to Islam. He was presented with the option of himself converting to his wife's new faith or being divorced from his wife. Since the man held sincere convictions concerning his faith, he was forced to suffer intense heartache.

Even members of the state religion are denied religious liberty. They are virtually forbidden to accept other faiths. They are flogged for drinking alcohol and fined for eating or drinking between sunup and sundown during Ramadan, the fasting month. A declaration that they are now free-thinkers is not accepted as a defense against such penalties, which are meted out only against Moslems.

Russell's experiences cited above plainly illustrate the differences between religious liberty and religious toleration. Those differences are immense.

Where there is true freedom, there is the acknowledgment by the state that guarantees freedom for all religious beliefs and practices, no matter how unusual or different these practices might be. Within the context of religious toleration, there is the implication that the state does not necessarily wholly approve of the religious principles, but by its generous act is tolerating the practices of a particular group. It also implies that at any time a state decides that a particular religion is not, for any reason, acceptable to the goals of the state, that religious practice can be suppressed and the worship of its adherents banned.

A very significant example of the limitations of toleration can be seen in the Edict of Nantes. In August 1572, the St. Bartholomew's massacre of Protestants took place in France. Many faithful Huguenots were slaughtered in this massacre. However, some time later a new king, Henry IV, ascended to the throne. Henry IV was raised a Protestant, but he knew that he could not accept the throne unless he was a Roman Catholic. He was therefore reported to have said, "Paris is worth a mass," whereupon he joined the Roman Catholic Church. Nevertheless, he did not forget his Protestant friends, and enacted the Edict of Nantes which offered toleration to the Huguenots in 1598.

The signing of the Edict of Nantes can be seen depicted in relief on the Wall of the Reformers in Geneva. However, the Huguenots were not happy with the edict. Deeply concerned that the Huguenots were not granted full religious freedom, their leader, Theodor Agrippa D'Aubigne, left the proceedings. D'Aubigne was greatly disappointed with Henry IV's change of religion. He argued in the proceedings that a people only tolerated by privilege may have that privilege withdrawn.

Indeed, that statement proved all too correct, when in 1687, Louis XIV, the grandson of Henry IV, revoked the Edict of Nantes, saying, "My grandfather loved the Huguenots, my father feared them; I neither love nor fear them." (Chris Richards, *The Reformer*, Bedford, England, November-December 1997, p. 9)

The following nineteenth-century sources clearly delineate between liberty and toleration.

There is a very great difference between toleration and liberty. Toleration is a concession which may be withdrawn. It implies a preference for the ruling form of faith and worship, and a practical disapproval of all other forms. Schaff's *Church and State in the United States*, p. 14

The free exercise of religion, according to the dictates of conscience, is something which every man may indeed demand as a right, not something for which he may ask a privilege. To grant to the State the power of tolerating is implicitly to grant to it the power of prohibiting. Appleton, *Cyclopedia of American Biography*, Vol. 4, p. 165

Toleration denotes neither the freedom of religion from State control, nor the equality of all religions before the law. Toleration is the allowance of that which is not wholly approved. Religious liberty, on the other hand, is absolute freedom of religious opinion and worship. Thompson, *Church and State in the United States*, p. 12

What other nations call toleration we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot deprive any portion of citizens, however small. Despotism may invade these rights, but justice shall confirm them. *U. S. Senate Report*, 1829

Thus we can clearly understand that the difference between religious toleration and religious freedom, is that the former is freedom recognized as a favor, whereas the latter is freedom recognized as a right. Toleration implies that there is an established, or state religion, as is still commonly known in many countries of the world, and that all others, while deemed heretical or disapproved, are nevertheless permitted. Whenever a nation has a state religion, there are only two options: (1) persecute those who will not conform to the state religion or participate in its practice; or (2) offer a measure of toleration to those who choose to worship in another fashion. Thus, for example, because England has an established religion, therefore properly we cannot refer to the United Kingdom as having liberty in the full sense of the word, even though there is

no evidence of the restriction of religious freedom in that nation today. That is why the First Amendment to the American Constitution explicitly contains both the non-establishment and the free exercise clauses. These provide liberty to all to worship according to the dictates of their conscience as a right, and not as a concession. The fact that the ruling monarch of the United Kingdom must be head of the Church of England deprives him or her of true religious freedom. The First Amendment to the United States Constitution, because of its establishment clause, places no religious constraints upon the head of state.

In some nations, any claim to religious toleration represents at best, nothing more than the sufferance or endurance of those who do not follow the state recognized religion. If the government has the right to permit the exercise of religion, it by implication still reserves the right to prohibit. Thus in certain countries, their constitutions declare religious toleration. There are sometimes certain religions, unpopular in the sight of the state for one reason or another, which are excluded from the provision of toleration. Thus it is possible in some countries that the state can compel certain minority groups to refrain from worshipping according to the dictates of their conscience.

When a religious group seeks permission from the state to practice its religion in a certain way, that church implicitly concedes that the state has the right to dictate in that manner. If that is true and the group is to be consistent, it should abide by the decision handed down by the state, whether favorable or unfavorable. If the religious group is unwilling to abide by the state's decision, should it be unfavorable to its request, then there is no consistency in asking the state for permission. Certainly, if there is a "Thus saith the Lord" from the Scripture, it is wholly inconsistent to ask civil legislators for permission to carry out that which God has commanded. True freedom and liberty of conscience can be maintained only at the price of constant vigilance.

It was Lord Stanhope, in the House of Lords in London, who in 1827 said,

The time was when toleration was craved by dissenters as a boon. It is now demanded as a right: but a time will come when it will be spurned as an insult.

To give to man his God-given rights is not in the power or province of the state, for it has no such right to bestow. Rights of this nature are bestowed by God. What God has given to the state is, the responsibility to protect the liberty of conscience, and surely this is the limit of its authority in matters of religion, for governments exist to a large extent for the protection of the persons and properties of their citizens. Religious freedom has to be separate from the state, because states by their very nature are controlled almost inevitably by majorities. The Scripture is plain that faithful Christians are a tiny minority.

Enter ye in at the strait gate: for wide is the gate, and broad is the way, that leadeth to destruction, and many there be which go in thereat: because strait is the gate, and narrow is the way, which leadeth unto life, and few there be that find it. Matthew 7:13, 14

When there is a state-controlled religion, or alternatively a religion-controlled state, minority religions are automatically deprived of their God-given freedom. Under religious persecution it is almost certain that those who are persecuted are men and women of conscience. Often,

conscientious people are detested by those who themselves operate with less than selfless intent. This is true in the operations of the church as well as the state.

Conscientious men are not the enemies but the friends of any government not established on tyranny. They are its strength and not its weakness. Daniel, in Babylon, praying contrary to the law, was a true friend and supporter of the government: while those who, in their pretended zeal for the law and the constitution would strike down the good man, were its real enemies. It is only when government transcends its sphere that it comes in contact with the consciences of men. Fairchild, *Moral Philosophy*, p. 185

It is the conscientious Christian's responsibility to disregard unjust laws which transcend the rights of conscience. This principle is altogether different from anarchy. Anarchy is the disregard of all law. The most patriotic, loyal, and conscientious eschew anarchy, but they have a right to disregard unjust laws. When it comes to just laws, faithful Christians are the best citizens a nation can have.

Daniel's persecutors used a ploy common to all ages. By subterfuge, persecutors secure the unjust measures they desire and then attempt to coerce submission of their fellow citizens to the unjust measures. Only when national governments recognize that they have no jurisdiction in matters of religion do we have true God-given liberty. When a government demands absolute obedience to its dictates, this implies that if the state commanded men to murder, or to steal, or to lie, or to worship in just one particular way, citizens who disregarded such laws would face the severest of penalties. So permeated by the sacral philosophy was society at the time of the Romans, that the following law was in place.

Whoever introduces new religions, the tendency and character of which are unknown, whereby the minds of men be disturbed, shall, if belonging to the higher rank, be banished; if to the lower, punished with death. Neander, *Church History*, Vol. I, Sec. 1, Pt. 1, Div. 3, Para. 2

The founders of the American nation possessed an entirely different concept:

It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to Him. This duty is precedent, both in order of time and in degree of obligation, to the claims of civil society. Before any man can be considered a member of civil society, he must be considered as a subject of the Government of the universe. James Madison, *Memorial and Remonstrance*, State Papers, p. 29

What was understood by the early leaders of America, was that man's relation to his God supersedes all human legislation, and the rights of conscience are inalienable.

The framers of the U. S. Constitution recognize the eternal principle that man's relationship with his God is above human legislation, and his rights and conscience inalienable. Reasoning was not necessary to establish this truth: we are conscious of it in our own bosoms. It is the conscientiousness which, in defiance of human law, has sustained so many martyrs in tortures and in flames. They felt that their duty to God was superior to human enactments, and that man could exercise no authority over their consciences. It is an inborn principle which nothing can eradicate. The bigot, in the pride of his authority, may lose sight of it; but strip him of his power, prescribe a fate to him which his conscience resists, threaten him in turn with the dungeon and the fagot, and the spirit which God has implanted in him rises up in rebellion, and defies you. *U. S. Senate Reports*, 1829

Chapter 11

The Development of Religious Persecution

IN his definitive work, *The Reformers and Their Stepchildren*, Leonard Verduin carefully presents the basis of the development of a philosophy of religious persecution. He notes the concept of the separation of church and state authority as enshrined in the New Testament.

In the New Testament division, that which we today call the State and that which we now call the Church are agencies that cater to differentiable loyalties. The State demands a loyalty that all men can give, irrespective of their religious orientation; the Church demands a loyalty which only he can give who believes in the Christ. The State has a sword with which it constrains men, coerces them if need be; the Church has a sword also, but it is the sword of the Word of God, a sword that goes no farther than moral suasion. Leonard Verduin, *The Reformers and Their Stepchildren*, the Christian Hymnary Publishers, p. 22

Verduin points out that this was a wholly new concept in civilization. Prior to the Christian era, all society was *sacral*. Verduin defines a sacral society:

By sacral society we mean a society held together by a religion to which all the members of that society are committed. Ibid., p. 23

Almost inevitably pagan religions expected, and naturally demanded, that all citizens follow the same religious persuasion as that ascribed by the national leadership, normally the king. Indeed, frequently, the king was presented as a human form of deity. The book of Daniel illustrates this fact. In Daniel chapter 3, we have the command of King Nebuchadnezzar to require all the leaders of Babylon to bow down and worship an image of gold built to represent himself as the one worthy of worship. The penalty for noncompliance was death. The king's imposition of this sentence upon Shadrach, Meshach, and Abednego was unsuccessful because of their unwavering loyalty to the God of heaven.

Another example of this sacral mentality is recorded in Daniel chapter 6, where an attempt was made to eliminate Daniel from the leadership of the province of Babylon. King Darius was persuaded to enact a law forcing all to acknowledge him alone as the object of worship for a space of thirty days. The penalty for non-compliance was death.

New Testament Christianity was of a different character from paganism. It provided for the rightful role of civil government, but excluded from that provision the right of the civil powers to trample the conscience of its citizens. In reality, Christianity laid the foundation for the privileges which we enjoy in free nations today. This was a national loyalty, not built upon unified religious practices, but rather, built upon the right of citizens to elect the leaders to whom they would be loyal, and who, it was expected, would establish just laws. The United States Constitution, which provided for religious liberty separate from loyalty to the civil government, has proven the effectiveness of a true republican form of government. Similar religious liberty resides in certain constitutional monarchies. The fact that citizens may worship differently from each other, and even strongly disagree, in nowise has been seen to affect the loyalty of the citizens to the nation. Thus Verduin states,

The New Testament's idea of societal compositism is the only real alternative to the stultifying ideologies that have given rise to the modern optionless and option-forbidding totalitarian states. Ibid. p. 25

Verduin further points out that,

It was the outworking of the sacralist thought habits of Roman society that occasioned the persecutions to which the early Christians were exposed. The Roman State had its officially designated Object of worship and to it every Roman was expected to give homage. It is significant that the early Christians did not launch a crusade to have this Object ousted and a new and better Object, the God of the Scriptures, put in its place. The primitive Church did not propose to remove the Object that had hitherto stood in the square and put its own Object in its place. It was content to worship the Christian God in an off-the-street place and to ignore the Object that stood in a place where none belongs, being careful that no one would have reason to complain that by so worshiping at an esoteric shrine the Christians were drawing themselves away from the affairs of Roman life. Ibid

Christians of necessity had to develop a nonsacral mentality. For Jesus had commissioned them,

Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you alway, even unto the end of the world. Matthew 28:19, 20

It was this commission that was to bring them into direct conflict with the pagan nations around. As pagans accepted Christianity, this act broke the centuries-long stranglehold of the reliance of the state upon a single religion for its security and support. Christianity could not be confined to one nation which had a unified religion. It had to press its frontiers to every nook and cranny of the earth. Before the end of the apostolic period, Paul, writing about a.d. 64, could declare the dramatic success of Christianity under the power of the Holy Spirit.

If ye continue in the faith grounded and settled, and be not moved away from the hope of the gospel, which ye have heard, and *which was preached to every creature which is under heaven*; whereof I Paul am made a minister. Colossians 1:23, emphasis added

This certainly was confirmed in the second century.

By the middle of the second century it was being said by Justinus in his running encounter with Tryphon Gudaeus, that "There is not a race of men on the earth among whom converts from the Christian faith cannot be found." By the end of the century Tertullian could say, without fear of contradiction, that "We came on the scene only yesterday and already we fill all your institutions, your towns, all cities, your fortresses . . . your senate and your forum." The New Testament vision was paying off richly. Quoted in Verduin, pp. 28, 29

So successful was Christianity that Emperor Decius enacted laws that required every one to show that he sacrificed to the pagan gods of Rome, on the punishment of death for nonconformity. Thus early Christianity was in stark contrast to the sacral mind-set of the pagans they wished to convert. Verduin describes the beginnings of the development of Christian sacralism. The author states that the term in itself is an anomaly, for Christianity, by its very fundamental principles, cannot be sacral.

As paganism declined and Christianity strengthened, there was always the possibility that the strengthening Christian religion would take the place of paganism in secular society and develop its own form of sacralism; and this is indeed what happened.

The change came suddenly and swiftly. The year 303 saw the beginning of a decade of fearful persecution against the Christians begun by the pagan emperor Diocletian. Though Diocletian abdicated several years later, his successors continued the persecution. Many Christians lost their lives and others were fearfully tortured—so much so, that well after the persecution had ceased, many of the Bishops attending the Council of Laodicea in 325 attended fearfully maimed. All this persecution was to change dramatically soon after Constantine seized the throne of the Roman Empire in 312. What at first appeared to be a remarkable deliverance by God of His faithful people, proved to be the beginning of a dark period of Christian history, characterized by rapid apostasy, pagan infiltration, and sickening persecution of those not conforming to the edicts of ecclesiastical leaders who now had the power of the imperial sword to coerce the dissenters, who then became the hapless victims of their ruthless tyranny.

Immediately the Roman Emperor Constantine became involved in legislating in the arena of religion, the door was opened to the persecution of those who, for conscience' sake, refused to follow the Emperor's edicts. Thus almost overnight the ground was laid for the development of sacralism within the context of Christianity. Verduin reported this development.

In the Constantinian change a tendency that had been developing for some time, was unleashed. A radical change of roles occurred. The Christian religion would now enjoy the benefits, if benefits they be, which the ethnic faith [paganism] had enjoyed hitherto. And the hardships which had in earlier times fallen upon the Christian would now become the lot of those who lingered at the ancient shrines; and for the same reason—that they pose a threat to the sacral order. By the end of the fourth century the simplest votive offering set before the erstwhile Object, even in household shrines, made the bringers thereof subject to grievous penalty. Gatherings in the signature of the now outlawed faith was strictly proscribed. Indoctrination in the tenets of the ancient faith was strictly forbidden. Not yet baptized persons were required to attend catechism classes in preparation for baptism; all who after attending such classes refused to present themselves for baptism, or having received it then relapsed into the old ways, were subject to the ultimate sentence. Ibid. p. 32

But there arose a group of Christians who refused to follow this sacral pattern. They became known as Donatists. They rebelled against the Constantinian enforcement of the Christian faith upon non-believers. The difference between the Donatists and the sacralists was not so much one of doctrine nor of theology. It was rather a distinction concerning the nature of the role of the church in society. Though opposed to the use of force, which they saw as the method of Satan rather than the method of Christ, the Donatists, largely concentrated in North Africa, opposed the persecution of the pagans by the "Christian" sacralists.

The Donatists saw the true Christians as a small minority of men and women distinct from the worldly majority. The "Christian" sacralists began to believe that all citizens must be Christians, irrespective of their dedication or their level of piety. Thus conformity became commonplace. The Donatists saw the Church as being filled with tares by the coercive methods of the sacralists. There were many instant "conversions" from paganism, not because of heart change, but because of the point of the sword. Such "converts" were willing to go through whatever motions were necessary to avoid danger to life and limb.

Faithful Christians took an entirely different perspective, and in turn they were soon to become the objects of fearful persecution by their erstwhile brethren. This persecution was not directed against their beliefs, nor against their practices, but rather against their opposition to the joining together of church and state, with the church usurping the prerogative to determine each

individual's spiritual status, and the state collaborating with the church as the executor of its edicts.

This rapid turn of events increasingly led faithful members of the church to flee into "the wilderness." Always the faithful followed the pathway of the Donatists in opposing the union of church and state. Thus in the fourth century began the development of the Waldensians. The Celtic church, quite powerful from the sixth through the ninth centuries, was almost snuffed out of existence by the Roman sacral mentality.

Other groups, such as the Albigenses and the Huguenots, arose in later years. As the Middle Ages dragged on, we witness the rise of the thirteenth century inquisitors. The Inquisition intensified even more fiercely the persecution which the sacralists levied against those who, like the Donatists of the fourth and fifth centuries, fervently upheld the separate roles for church and state (the Neo-Donatists). Not unexpectedly, the sacralists won out over the neo-Donatists, for the sacralists believed whole-heartedly in using the sword of the state to enforce their ecclesiastical authority. The neo-Donatists, including the Celts, the Waldensians, the Albigenses, and the Huguenots, opposed the union of church and state, and therefore had no military arm to defend themselves against the ruthless assaults by the army of the state.

The issue of sacral versus Donatist thinking was fiercely debated by the sixteenth century Reformers. In the early days of the Reformation, the Reformers stood steadfastly on the side of the neo-Donatists. This was especially true of Zwingli and Luther. In 1519, Martin Luther wrote against the "Babylonian harlot" and took strong neo-Donatist positions, but this was to change. Both Zwingli and Luther sought protection from secular leaders and obtained that protection. This seeking of the state's protection, which in itself was proper, nevertheless led to tragic consequences. Both Zwingli and Luther eventually followed the pathway of the papist in invoking the sword of the princes to enforce their religious beliefs. Thus rose a dedicated group of men and women who felt betrayed by Zwingli and Luther, and later Calvin. These were the Anabaptists.

The Anabaptists would have nothing to do with a state church, and this was the main point in their separation from the Lutherans, Zwinglians, and Calvinists; this was the one concept upon which all parties of Anabaptists were in absolute accord.

In contrast, the Reformers themselves developed a sacralism no different from that of the Roman Catholics. That is why Zwingli had many Anabaptists drowned in the river in front of his church when they refused to accept infant baptism. These Anabaptists were so named because they believed in rebaptism, or a second baptism. Though most had been sprinkled soon after birth, they denied this as true baptism; accepting rather the biblical principle of believers' baptism preceded by acceptance of Christ, which was publicly affirmed by immersion. Soon the Anabaptists were seen as the enemy of the state and as a serious threat to the unity of social order.

Thus none of the best known sixteenth century Reformers captured the true essence of Christianity, in which the principles of Christ are predicated upon freedom to choose and to decide. The fact that they were unable to shake off the Augustinian concept of predestination

partially contributed to their ultimate readiness to accept sacralism. The Anabaptists believed it necessary to re-establish the church of the New Testament, a church built upon God-given freedom, a church established to oppose everything that challenged the religious freedom of the citizens of the nations. The Anabaptists wrote much about this tenet of faith. But like all the Donatist groups from the time of Constantine, they were unable to make a dominant impact because the sacralists were able to use the force of the state against them. It was Luther's capitulation to sacralism that permitted Emperor Charles V to make a decree that led to the martyrdom of many Anabaptists for refusing to have their own children "baptized" soon after birth, or to refrain from "rebaptizing" those who had been sprinkled in infancy.

It was this mentality that led the states of Germany to be divided. If the ruler was a Roman Catholic, the state became a Roman Catholic state; and if the ruler was a Protestant, the state became a Protestant (Lutheran) state. This forced myriads of German people to leave their ancestral homes to move to another state in order to avoid persecution. Protestants dwelling within a Roman Catholic state were forced to relocate to a Protestant state; a Roman Catholic in a Protestant state needed to relocate in a Roman Catholic state. Tragic though this was, it pales into insignificance when we consider that the nonconformists who were neither Roman Catholics nor mainstream Protestants (Lutheran, Calvinists, etc.) had nowhere to find protection. Thus both the Protestant states and the Roman Catholic states were instrumental in the martyrdom of many dedicated Anabaptists. This persecution led many of the Anabaptists to flee to the North American continent seeking protection from the fiery trials that they had endured in central Europe.

Perhaps no act of the Reformation brought more horror to the hearts of freedom-loving people than the cruel act of Calvin in ordering the death of Servetus. Servetus was a renowned Spanish scientist who was among the first to understand the blood circulatory system. He had come to visit Calvin to discuss his somewhat unusual theological understandings. But did his unusual theology justify the ruthless decision of Calvin and others to "burn the heretic"? Hardly! Not only was Servetus burned at the stake, he was cruelly condemned to be burnt by slow fire; by the use of green wood that would and did prolong the agony of his slow death, which was said to have taken about three hours from the moment of igniting the wood.

This pitiless act of Calvin, he fiercely defended when outrage swept across Europe. It is almost certain that the outrage was so intense that it prevented Calvin from continuing in this most un-Christ-like practice. The prevailing thinking of the time can hardly be used as justification for his act. Yet the generally gentle Melancthon, Luther's faithful associate, vigorously supported Calvin's cruel act in a letter in which he stated that, "the Church owes and always will owe a debt of gratitude to you for having put the heretic to death." (Quoted in *ibid.*, p. 52)

The preeminent role played by Augustine (354–430), Bishop of Hippo, in the systemization of Roman Catholic dogma, can be seen from the following praise given to him by Roman Catholic and Protestant authorities alike. Many authors have linked Calvin's theology and work with that of Augustine, regarded by Roman Catholics as the greatest theologian in the first millennium of the Christian era, the Apostle Paul excluded.

Augustine . . . was one of the greatest men of the Christian Church of all time. W. J. Grier, *The Momentous Events*, p. 27, Banner of Truth Trust, 1986

[Augustine was] one of the greatest theologians and philosophical minds that God has ever seen fit to give to His church. Talbert & Crampton, *Calvinism, Hyper-Calvinism, & Arminianism*, p. 79, Still Waters Revival Books, 1990

Augustine stands as a major link between Paul and Calvin. Arthur C. Custance, *The Sovereignty of Grace*, p. 20, Presbyterian & Reformed Publishing Company, 1979

These two extraordinarily gifted men [Augustine and Calvin] tower like pyramids over the scene of history. Benjamin Warfield, *Calvin & Augustine*, p. v, Presbyterian & Reformed Publishing Company, 1956

He [Calvin] and Augustine easily rank as the two outstanding systematic expounders of the Christian system since St. Paul. Lorraine Boettner, *The Reform Doctrine of Predestination*, p. 405, Presbyterian & Reformed Publishing Company, 1932

In the light of historical evidence, we cannot heap such praise upon either Augustine or Calvin. Augustine, unable to free himself from many of the vaunted concepts of paganism, which he had imbibed in his upbringing and early education, deviated widely from New Testament teachings. Calvin followed suit. Augustine, with his admonition to treat the first nine chapters of Genesis as allegorical, firmly opened the door to evolutionary theorizing among Christian believers. In two quite different generations, Augustine and Calvin provided a basis for the "justification" of the persecution of religious minorities. That modern theologians heap such praise upon these men, does not engender confidence that when the religious and political climate accommodates it, there will not be a renewed church-state persecution which will lead to fearful repression of minority religious groups.

It is not surprising then that many Christians today, forgetting the tragic lessons of the past, are anxious to devalue the concept of the separation of church and state, and look for the state to enforce the edicts of the majority in matters of faith and religion. We can predict that the dire prophecies of the words of Scripture will be fulfilled again in the United States and other nations. This prediction is clearly set forth in Holy Writ.

And I beheld another beast coming up out of the earth; and he had two horns like a lamb, and he spake as a dragon. And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to worship the first beast, whose deadly wound was healed. And he doeth great wonders, so that he maketh fire come down from heaven on the earth in the sight of men, and deceiveth them that dwell on the earth by the means of those miracles which he had power to do in the sight of the beast; saying to them that dwell on the earth, that they should make an image to the beast, which had the wound by a sword, and did live. And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not worship the image of the beast should be killed. And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. Revelation 13:11–17¹

¹It is not within the scope of this book to set forth the meaning of the symbols of the beast with the lamb-like horns, the first beast set forth in Revelation 13:1–10, the deadly wound, the image to the beast, the mark in the right hand and forehead, and the number of his name. These matters are taken up in the authors' book, *Antichrist Is Here*, Hartland Publications, P.O.Box 1, Rapidan, Virginia 22733, U.S.A.

Chapter 12

The Theology of Persecution

THE persecution of Christians by Christians must have seemed beyond possibility to the members of the early Christian Church. It is probable that such a thought never entered their minds, let alone need be dismissed from their thoughts. They well understood the persecution of Christians by pagans. However, they would never have had cause to consider those conditions which would lead to dominant Christian groups persecuting minority Christian groups.

At that time, the early Christians themselves were a small minority in a dominantly pagan society ruled by pagan rulers. The concept of being a persecutor under those circumstances was nonexistent. The perpetration of punitive acts against others could only take place when Christianity attained to political dominance and adopted a pagan mind-set. Thus before the "conversion" of Constantine, the opportunity for developing persecution was not present.

But the "conversion" of Constantine changed all that. Once the emperor "converted" to Christianity, a tide of popular support developed for Christianity. The prestige of the emperor made it now fashionable for citizens of the empire to embrace Christianity. Obviously, a fashionable religion calls for much less commitment than an unpopular or little known religion. It must be remembered that no matter how lacking in true Christian conversion the new members were, they nevertheless had equal say in the affairs of the church. Thus the general piety and commitment of the members of the church was diluted. This ultimately had a significant impact upon the following generations, who in turn become nominal, rather than committed, Christians. The real voice of unity was broken. The unity for which Jesus prayed centered upon these words:

Sanctify them through thy truth: thy word is truth. John 17:17

That true unity, built upon truth and sanctification, was lost.

Inevitably, the consequence was a church desperately seeking to find ways to reestablish unity. Rarely, if ever, did the subsequent ecclesiastical leaders consider a return to the principles of Christ. A church dominated by the unconverted sought the ways of the world, and when the Church was linked with the power of the civil government there developed a high level of probability that civil government would be invoked to enforce "unity" at the point of the sword. History testifies that this course became ever more attractive to ecclesiastical leaders.

The rise of the power of Constantine and his embracing of Christianity provided a fertile field for the development of a persecution mentality. There is evidence that, over a century prior to Constantine's "conversion," there were those who were beginning to venture the possibility of a state that would protect and enforce a brand of Christianity which was consistent with the dictates of ecclesiastical leaders. As early as a.d. 175, Meliton, Bishop of Sardis, declared in the hearing of the emperor that there would be wisdom in the emperor making an arrangement with the God of the Christians, because—

only when Christianity is protected . . . does the empire continue to preserve its size and splendor. Quoted from Leonard Verduin, *Reformers and Their Stepchildren*, the Christian Hymnary Publishers, p. 30

In the year a.d. 250, Origen developed this concept a little further. Origen was an adherent of the Alexandrian school of Christianity, which was later to profoundly affect the thinking of Rome. By the time of Origen, the Alexandrian school of theology had already incorporated large

elements of Greek pagan philosophy, and established the allegorizing methods of Bible "understanding" into the training of its students. Thus the sacral concepts did not seem dangerous to Origen, for he stated,

If now the entire Roman empire should unite in the adoration of the true God, then the Lord would fight for her, she being still [the reference is to Exodus 14:14]: then she would slay more enemies [referring to the destruction of the Egyptian army in the Red Sea] than Moses did in his day. Ibid.

Not all the early church fathers, of course, thought in this direction. Around the end of the second century, Tertullian had asked a rhetorical question,

What does the emperor have to do with the church? Ibid.

Dramatically was the whole playing field of Christianity changed with the "conversion" of Constantine. Constantine was a shrewd politician. He chose to attempt to unite his empire by declaring, in a.d. 321, that the day of the sun was to be the weekly worship day for the citizens of the Roman Empire. This was indeed a very clever move. The Roman pagans already were Sunday worshipers, following the practice of many pagans from the Babylonians through to the Greeks. But he had also discerned that some Christians had begun to favor Sunday over the Sabbath as a popular day of worship. That concept had begun even before the end of the first century, after the destruction of Jerusalem by Titus in a.d. 70. The Jews were despised and fearfully oppressed and persecuted after Jerusalem's destruction. Christianity was seen as a sect of the Jews, and nothing made this fact more apparent than the evidence that in conformity to the fourth commandment, Christians kept the seventh day of the week as their day of sacred rest, just as the Jews did. This led some Christians to argue that wisdom would dictate that they choose another day to worship the Saviour.

Obviously the most convenient day of worship in order to deflect the accusation that Christians were a Jewish sect, was the first day of the week, for that was the day on which the pagan Romans worshiped their sun god in a special way. The argument developed that Christ had been resurrected on the first day of the week, and thus it would be altogether appropriate to take Sunday as the special day of worship commemorating the resurrection. That there was no Scriptural support for this alteration did not override, in the minds of some, the circumstantial "necessity" and advantage of such a doctrinal alteration. Virtually no consideration was given to the fact that *if* God had vested man with the right to alter His law, then Friday, the day of Christ's death, would have possessed an even greater claim to be chosen for worship. Not only was Sunday observance considered by some to be appropriate, it was also considered to be more convenient, simply because it would place the Christian at no disadvantage in terms of commerce and general activities, since their day of worship would harmonize with that of the pagan Romans.

Yet at the time of Constantine's Sunday law in a.d. 321, the vast majority of Christians were still Sabbath-keepers. The idea of Sunday-keeping by Christians had, however, gained a significant foothold in regions in the vicinity of Rome, since these areas were closest to the seat of the emperor and therefore obviously more likely to come under his attention.

The decree of Constantine, however, was foreign to most Christians in the empire. The Sabbath-keeping Christians were in a quandary. They were so grateful to Constantine for the cessation of the Diocletian persecution, and were so elated by his "conversion" to Christianity, that they were placed in a dreadful dilemma when he enacted his Sunday law. To defy it would have appeared ungrateful as well as insubordinate. Resisting Constantine's pagan predecessors had been much easier. Thus many accommodated Constantine's law by keeping two days, and in some parts of the Roman empire for a number of centuries, both Sabbath and Sunday were declared days of rest. This was the origin of the weekend rest adopted by many nations today. Generally speaking, those who favored Sunday-keeping chose Sabbath as a fast day and Sunday a feast day, and those who favored Sabbath-keeping adopted the opposite role for each day. But in either case there was a general compliance with the law.

Another issue arose once Constantine had "converted" to Christianity. Soon pockets of persecution arose against pagans who would not convert. The very Christians who themselves had so recently been the victims of vicious persecution by pagans, were now willing to allow pagans to come under persecution, should they refuse to convert to Christianity. Here began the failure of Christianity to continue to follow the model of Jesus, who had declared,

My kingdom is not of this world: if my kingdom were of this world, then would my servants fight. John 18:36.

Now developed a clear distinction between the Christianity of the fourth century and the Christianity of the New Testament. But once the majority of Christians had adopted a code of silence in respect of the persecution of pagans, it was a short and very rapid step to the persecution of fellow Christians who were dissenters from the majority faith. Indeed, it was this very issue of the use of the arm of the state to bring pagans to Christianity that was to be the basis for the first Christian-against-Christian persecution.

When the Donatists of North Africa arose, opposing the use of the force of the state to coerce pagans to accept Christianity, their stand led in turn to their own persecution. The issue was not of doctrine nor beliefs: the issue was the use of the force of the state to bring converts to the Christian church. The Donatists saw Christianity as a religion of those who freely chose to follow Christ. They clearly understood that it was impossible for people truly to embrace Christianity except from their own free choice. They still believed that because of this fact and the clear statements of the Bible, God's true people would always be a minority in this world; that even though the emperor had embraced Christianity, it in nowise followed that everyone else should be required to follow his example.

But it would seem that the majority of the Christians of the fourth century embraced the idea that God had blessed them, that society had now changed, that the principles of the New Testament no longer pertained. They perceived that God had in a miraculous way, no less miraculous than the conversion of Saul of Tarsus, given Constantine his vision of the Cross. Thus the Christians were given the sword of steel to do battle against any who would resist the invitation of the gospel.

Now it becomes obvious that the majority who accepted and actively promoted this idea despised the Donatists, who fiercely opposed such a concept. Thus the Donatists themselves, faithful Christians though they mainly were, were fiercely suppressed by their fellow Christians. It was

in this arena that the concept of the term "heresy" arose. It is ironic that the term had little to do with beliefs or doctrines, but rather of the right of the church to use the power of the state to enforce her edicts.

Augustine, Bishop of Hippo, born seventeen years after the death of Constantine, embraced the Constantinian concepts of church and state and strongly opposed the Donatists. He correctly understood that the real issue was the nature of the church. The Donatists saw the church as the body of true believers who had consecrated their lives to Christ. But Augustine promoted the view that the church and the state were indivisible, and therefore it was appropriate to require all citizens of the state to embrace Christianity by whatever means were necessary. It might be questioned why Augustine would have embraced such a concept. But it must be remembered that like Constantine, Augustine had grown up in a religion (Manichaeism) which was largely built upon pagan concepts—beliefs that clearly held to a sacralist precept where the state and religion were seen to be one. Thus Augustine said,

The issue between us and the Donatist is about the question where this body is to be located, that is, what and where is the church. Verduin, p. 33

There is no question that Augustine, probably more than any other church father in the history of Roman Catholicism, influenced the church's philosophy and thinking.

Once the pagan mind-set of sacralism was accepted by the Christian church, then followed a desperate effort to discover biblical injunctions in its support. Some went to the Old Testament and then, rehearsing the use of the sword by the Children of Israel, believed that they were given full license to so use the sword in the Christian era. They made no effort to distinguish the theocratic government of the Old Testament from the secular government of the New Testament. However, when this distinction became an issue, theologians turned to the New Testament in a desperate effort to uphold and support the persecution of fellow Christians. The words of the apostles recorded in Luke 22:38, "Lord, behold, here are two swords" were used in a remarkable case of *isogesis* (that is, misuse of Scripture) to claim that Christ had authorized two swords—the sword of the clergy, which is the sword of the Spirit, and the sword of the soldiers of the state, which is the sword of steel. (Ibid. p. 42)

This concept developed so powerfully that by the twelfth century the idea was unquestioned,

The two swords belong to Peter; one is in his hand, the other is at his command whenever it is needful to draw it. . . . Both the spiritual and the material sword belong to the church, the latter sword is drawn for the church, the former by the church. One belongs to the priest and the other to the soldiery; but this one is drawn at the orders of the priest. Quoted in Ibid. pp. 42, 43

Verduin comments,

By this colossal piece of sophistry the Church made herself believe that she could order the life-blood of men to be let, all the while getting none of it on her skirt! Ibid. p. 43

These concepts were reinforced in papal bulls and by the philosophers of the church. Thomas Aquinas said,

The state, through which earthly objectives are reached, must be subordinated to the church; church and state are two swords which God has given to Christendom for protection; both these swords however are by Him given to the pope and the temporal sword is then by the pope entrusted to the rulers of the state. Ibid.

In 1302 Pope Boniface set forth this doctrine in a papal Bull entitled *Unam Sanctam* (ibid.).

The use of the argument arising out of Luke 22:38 that the two swords represented the sword of the Spirit on the one hand and the sword of steel on the other, is surely dispelled by Jesus' response when a little later Peter used the sword of steel to cut off the ear of the high priest's servant.

And, behold, one of them [Peter, see John 18:10] which were with Jesus stretched out his hand, and drew his sword, and struck a servant of the high priest's, and smote off his ear. Then said Jesus unto him, Put up again thy sword into his place: for all they that take the sword shall perish with the sword. Matthew 26:51, 52

Rather than Jesus condoning the use of the sword, he rebuked Peter, commanding him to put up his sword into its sheath and admonishing him that those who take the sword will perish with the sword. This clarification by Christ dispels any thought that Christ had entrusted Peter with the sword of steel to coerce Christian belief and practice.

Every civil power has the sword to enforce its laws. By denying to the Church the power of the sword, Jesus therefore forbade the Church to ask the State for laws enforcing religious beliefs and observances. Paul understood this clearly when he wrote,

For the weapons of our warfare are not carnal, but mighty through God to the pulling down of strong holds. 2 Corinthians 10:4

The early Christian Church derived strength alone from the power of God. It triumphed grandly over the opposing forces of pagan religions which were upheld by the State. Only when the Church allied herself with the State in seeking its aid, did the Church deny God, losing her true power, and leading the world into a millennium of great darkness.

Those who later supported the Donatist ideals did not embrace the Constantinian-Augustinian sacral concepts. The Waldensians stated,

The priests actuate the secular arm and then think to be free from murder and they wish to be known as benefactors. Yes just as did Annas and Caiaphas and the rest of the Pharisees in the time of Christ so does Innocent [the then pope] do in our time; they refrain from going into the house of Pilate lest they be defiled and in the meantime deliver Jesus up to the secular arm. Verduin, p. 44

In the early persecution, faithful Christians were not burned at the stake, but later this became an increasingly common practice. The custom of executing "heretics" by fire was derived from the words of Jesus:

If a man abide not in me, he is cast forth as a branch, and is withered; and men gather them, and cast them into the fire, and they are burned. John 15:6.

To the persecutors, this text gave them the right to burn "heretics," for they interpreted the concept "if a man abide not in me" to mean "if a man reject the Roman Catholic Church." It was

Augustine who attempted more than any other to buttress the concepts of the persecution of dissenters with the Word of God. Because of his great prestige as a theologian, his faulted biblical arguments were readily accepted, thus permitting coercion to be not only theologically respectable, but a responsibility of the Church. Unbelievably, Augustine used the words of Jesus:

And the lord said unto the servant, Go out into the highways and hedges, and *compel them to come in*, that my house may be filled. Luke 14:23, emphasis added

The Donatists threatened to secede from the main body of the church and go their own way, but the developing concepts of the "Christian sacralists" would not permit this freedom, and made it plain that they would not allow such a split to take place. The Sacralists believed that such freedom would thwart their plans for a faith that was common throughout the entire Roman Empire. The Donatists responded by pointing out that Christ would not raise so much as a finger, let alone a sword, to restrain people from making their own individual choices. They pointed out that when the multitudes deserted Jesus, He had given the disciples the option to leave.

From that time many of his disciples went back, and walked no more with him. Then said Jesus unto the twelve, Will ye also go away? John 6:66, 67

Augustine rebutted this argument of the Donatists.

I hear that you are quoting that which is recorded in the Gospel, that when the seventy followers went back from the Lord they were left to their own choice in this wicked and impious desertion and that he said to the twelve remaining, "Do you not also want to go?" But what you fail to say is that at that time the church was only just beginning to burst forth from the newly planted seed and that the saying had not as yet been fulfilled in her "all kings shall fall down before him, and all nations shall serve him" [Psalm 72:11]. It is in proportion to the more enlarged fulfillment of this prophecy that the Church now wields greater power—so that she may now not only invite but also compel men to embrace that which is good. Quoted in Verduin, p. 65, 66

From this statement of Augustine it can be seen that he was not prepared to accept the New Testament model as applying to the Christian church throughout all ages. Now that the "kings" had come to the acceptance of Christianity, it was thought altogether appropriate that the power of the king should be used to not only invite, but to compel men and women to become Christians. The logical consequence of this line of argument was the increasing number of unconverted people who, rather than face death, imprisonment or torture, made the pretense of Christianity while indeed having no relationship with the Christ of Christianity. The only possible result was a church warped by worldliness, members whose hearts were carnal and whose interests were far removed from the spread of the gospel.

Thus the Constantinian sacralism that enveloped the Roman Catholic Church was a formula for a totally impotent witness to the power of Christ and a lack of interest in upholding the perfect principles of authentic unity. Augustine's persecutive principles can readily be seen to have arisen from his unwavering belief in predestination—a concept which robs human beings of their God-given right to decide and choose. However, Augustine did not see any inconsistency in ecclesiastical leaders having the right to force the conscience of other fellow humans unable to protect themselves.

Thus the commission of Jesus—

Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you always, even unto the end of the world— Matthew 28:19, 20

was extended not only to teaching and preaching, but to compelling. Note how Augustine supported the concept of the difference between his age and the age of the apostolic church. In referring to the parable of the wedding feast, Augustine pointed out that at first the servants were sent out to summon the invitees to the feast, but when they refused to come, then the master said, "Go out into the highways and hedges and compel them to come in that my house may be filled."

Now observe how that with reference to those who came in during the former period it was "bring them in" and not "compel them," by which the incipient condition of the church is signified, during which she was but growing toward the position of being able to compel. Since it was right by reason of greater strength and power to coerce men to the feast of eternal salvation therefore it was said later . . . "Go out into the highways and hedges and compel them to come in." Quoted in Verduin, p. 67

Augustine warned the Donatists,

And so if you were strolling quietly outside the feast of eternal salvation and the unity of the holy Church then we would overtake you on your "highways"; but now that you verily by many injuries and cruelties which you perpetrate upon our people, are full of thorns and spines, now we come upon you in your "hedges" to compel you. The sheep which is compelled is coerced while it is unwilling, but after it has been brought in it may graze as its own volition wills. Quoted in *ibid.* p. 67, 68

Augustine also found "support" for his doctrine of coercion in the story of the family of Abraham, who had two wives, one a free woman and the other a bond servant. The one was allowed to live in freedom and the other one in servitude.

Christians today will no doubt recognize that the call for a one-world government is put forth with a demand for a universal religion. Such is always the call of sacralists. In this aim the importance of doctrine will be diminished. Indeed, it is expected that those areas of understanding which have divided the various church communities are to be put aside and a new inclusive religion is to be established. Such is the certain precursor of persecution that will be built upon the same sacral mentality that developed in the early Christian church and dominated the persecution of the Middle Ages.

This is a sober warning to every faithful Christian today. The cry that the New World Order will bring in peace, harmony, and unity is as empty as was the cry of the revolutionaries of France, "Liberty, Equality, Fraternity." Intelligent, perceptive, dedicated Christians will learn the lessons of history and will oppose the false hopes fabricated by the advocates of the ecumenical movement. That movement is *certain* to result in fearful persecution of dissenters, for its foundational premise envisages the whole world as Christian, as did the early sacralists, rather than the Church consisting of only the converted ones.

Chapter 13

The Papal Encyclical of 1995 and Religious Liberty

ONE of the most important papal encyclicals in modern times, promulgated on May 25 1995, was entitled *Ut Unum Sint [That They May Be One]*. Unlike most encyclicals, which have special relevance to the Roman Catholic Church, this was meant to have broad implications for the whole of Christendom, including all the Protestant and Orthodox communities. The encyclical made clear reference to the issue of religious freedom.

At the same time, it takes into account everything affirmed at the [Second Vatican] council's declaration D/H on Religious Freedom *Dignitatis Humanae*. Pope John Paul II, *They May Be One*, Electronic form, Trinity Communications, 1995, p. 5

The encyclical also proclaimed,

The Council's declaration of Religious Freedom *Dignitatis Humanae* attributes to human dignity the quest for truth, "especially in what concerns God and His Church," and adherence to truth's demands. A "bringing together" which betrayed the truth would thus be opposed both to the nature of God who offers His communion and to the need for truth found in the depths of every human heart. *Ibid.*, p. 8

Yet this basis in truth has to be understood from the Roman Catholic perspective. It is not established upon the primacy of the Word of God but upon the primacy and authority of the Roman Catholic Church. The encyclical reads as follows:

Catholic theologians engaged in ecumenical dialog, while standing fast by the teachings of the Church and searching together with separated brothers and sisters into the divine mysteries, should act with love for truth, with charity, and with humility. *Ibid.*, p. 14

In spite of the appealing language of the pope, we cannot escape the implications of the contemporary Roman Catholic catechism.

The task of interpreting the Word of God authentically has been intrusted solely to the Magisterium of the Church, that is, to the pope and to the bishops in communion with him. *Catechism of the Catholic Church*, 1994, p. 35

Protestants hold that the only valid basis for truth is the Word of God. The Reformers proclaimed "Sola Scriptura." It is plain that the only way that Protestants can be brought into the ecumenical unity that John Paul II proposes in his encyclical, is to surrender their fundamental belief in "Sola Scriptura." One thing is certain: that not all Protestants will surrender this basic principle of their faith. Surely the words of Jesus' prayer for unity are absolutely unchallengeable. Thus in this prayer, preserved in John chapter 17, we read,

Sanctify them through thy truth: thy word is truth. John 17:17

We find that Jesus places the Word alone as the basis of unity. That Word of course is the Scriptures. This allows for no inclusion of tradition, as the Roman Catholic Church holds.

But in vain they do worship me, teaching for doctrines the commandments of men. Matthew 15:9

Peter also warned against the traditions of men.

Forasmuch as ye know that ye were not redeemed with corruptible things, as silver and gold, from your vain conversation received by tradition from your fathers; but with the precious blood of Christ, as of a lamb without blemish and without spot. 1 Peter 1:18, 19

In his unity prayer, Paul, like Jesus, emphasized that unity is predicated upon the Word of truth.

Till we all come in the unity of the faith, and of the knowledge of the Son of God, unto a perfect man, unto the measure of the stature of the fulness of Christ: that we henceforth be no more children, tossed to and fro, and carried about with every wind of doctrine, by the sleight of men, and cunning craftiness, whereby they lie in wait to deceive; but speaking the truth in love, may grow up into him in all things, which is the head, even Christ. Ephesians 4:13–15

Faithful Christians cannot move away from the paradigm of Holy Scripture as the basis of truth, sanctification, and unity. But the Roman Catholic Church teaches that such unity comes from passively following the directions from the priests of the Church.

Mindful of Christ's words to His apostles: "He who hears you, hears me," *the faithful receive with docility* the teachings and directives that their pastors give them in different forms. Catechism, p. 33, emphasis added

Surely the doctrine of papal infallibility is an insuperable barrier to unity. In reaffirming the Catholic position on the primacy of the pope, Pope John Paul said,

Among all the Churches and Ecclesial communities, the Catholic Church is conscious that she has preserved the ministry of the Successor of the Apostle Peter, the Bishop of Rome, whom God established as her "perpetual and visible principle and foundation of unity" and whom the Spirit sustains in order that he may enable all the others to share in this essential good. John Paul II, p. 33

The issue is put more plainly in the catechism.

The Roman pontiff, head of the college of bishops, enjoys this infallibility in virtue of his office, when, as supreme pastor and teacher of all the faithful—who confirms his brethren in the faith—he proclaims by definitive act a doctrine pertaining to faith or morals. *Catechism*, p. 256

In the whole of the encyclical there is not the slightest hint that the Roman Catholic Church might be willing to discard any of its non-biblical doctrines in its desire to attain unity in the Christian faith. Though not explicitly stated, the intention is plain that Roman Catholics have the responsibility of more carefully and more clearly explaining their beliefs to those of other faiths, but never to change them.

Therefore the encyclical leaves no other conclusion but that the unity that the papacy seeks, is a unity that can be established only upon the surrender of Protestant and Orthodox churches to the doctrines of the Roman Catholic Church. Roman Catholic doctrines are built upon not only the Word of God but also upon the ever expanding traditions of the Church.

The history of the Roman Catholic Church since the time of Roman Emperor Constantine, and Augustine, Bishop of Hippo, has been characterized, as we have seen, by strong sacral thinking and action. The sacral mentality comes originally from paganism, where most pagan potentates enforced their religion upon their subjects, believing that should subjects practice a different

religion, that would be disloyalty to the monarch. The "conversion" of Emperor Constantine to Christianity opened the way for the development of the sacral concepts of the Roman Catholic Church first systematized by Augustine, but developed by many theologians including Thomas Aquinas many centuries later (see chapter 12 entitled, "The Theology of Persecution"). Note the words of the encyclical:

This journey towards the necessary and sufficient unity, in the communion of the *one Church willed by Christ*, continues to require patient and courageous efforts. *Ibid.*, p. 30, emphasis added

Of course the "one Church willed by Christ" refers to the Roman Catholic Church. The sacral mentality sees the church as involving all the community irrespective of their conscientious beliefs.

The undoubted vision of John Paul II to bring a world-wide unity "of the human race" under the papal leadership is very strange in the light of the letter written by Pope Gregory I, referred to by the Roman Catholic Church as Saint Pope Gregory the Great, to Bishop John of Constantinople.

I say confidently, therefore, that whosoever calls himself Universal Bishop, or even desires in his pride to be called such, is the forerunner of antichrist. Samuel Cassels, *Christ and Antichrist*, Presbyterian Board of Publications, 1864

It may well be that this earlier pope actually pinpointed the true nature of the Papacy as we come to the time of the soon return of Jesus. Certainly, to achieve his goals, Pope John Paul II has clearly thought to use the secular political means to achieve his goal. Malachi Martin, in his book, *Keys of This Blood*, stated,

Referring to John Paul's insistence on Slavic Christianity, the communist official warned, "This pope is not saying these things because the spirit moves him. These are calculated statements designed to pose a direct challenge to governments that no modern nation—especially you Americans with your separation of church and state—could tolerate."

Malachi Martin, *Keys of This Blood*, p. 101

Malachi Martin, a priest of the Roman Catholic Church and a strong, dedicated supporter of John Paul II, made it plain that even his humanitarian approaches had a strong political motivation.

Indeed, the note that dominated and animated that encyclical document [referring to *Dignitatis Humanae*] was John Paul's insistence that the hard, intractable problems of the world—hunger, violation of human dignity and human rights, war and violence, economic oppression, political persecution—any and all of these can be solved only by acceptance and implementation of the message of Christ's revelation announced by the papacy and the Roman Catholic Church. *Ibid.*, p. 74

No doubt these social issues will become central to the Pope's agenda in his desire to win the loyalty of the human race. In spite of the recent calls for religious liberty, the Catechism is ominous.

The right to religious liberty can of itself be neither unlimited nor limited only by a "public order" conceived in a positivist or naturalist manner. The "due limits" which are inherent in it must be determined for each social situation by political presence, according to the requirements of the common good, and ratified by the civil authority in accordance with "legal principles which are in conformity with the objective moral order." *Catechism*, p. 568

The Catechism also gives a hint where at least part of this coercion will be directed.

In respecting religious liberty and the common good of all, Christians should seek recognition of Sundays and the Church's holy days as legal holidays. *Ibid.*, p. 585

The testimony of history is wholly against the prospect that the message which the pope delivered in his encyclical, might possibly produce true unity and true peace. The questions that are immediately raised include, What will happen when every peaceful attempt has been made to persuade, encourage, and even urge all humanity to unite under the leadership of the bishop of Rome? Unquestionably there will be those who will not succumb, through persuasion, bribery, flattery, or any other method, to what they believe to be a false unity. Will then a Church, supported by the State, use its influence to encourage the State to use the sword of steel in a desperate attempt to force all the human race to pay homage to the papal pontiff? The testimony of history and the warnings of Holy Scripture both answer the question in the affirmative. Therefore we have no confidence that this ecumenical encyclical will lead to an age of peace and safety for all. Rather we see it as likely to produce the greatest persecution of dissenters that this world has ever witnessed.

Chapter 14

The Ten Commandments and Civil Law

ANDREW Jackson, the seventh President of the United States, asserted that, "The Bible is the Book upon which this Republic rests." It is much more difficult to make a statement like that today because of the rapid growth of the non-Christian faiths such as Islam, Hinduism, and Buddhism, together with atheism in the United States. No doubt this demographic shift has resulted in the increasing pluralism in regard to the basic principles of morality and social order.

In the early nineteenth century, Noah Webster, the developer of the American dictionary, stated,

The moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war, proceed from their despising or neglecting the precepts contained in the Bible. *Citizen's Rulebook*, p. 8

Such a statement, by a man who has contributed so greatly to the American understanding of the English language, should not be put aside lightly. If Americans take seriously the words embossed on the coins of the United States, "In God we trust," then they are driven back to the Word of God as the foundation principle of moral, ethical, and spiritual precepts. There can be no question that the founders and architects of the American nation established their laws upon the principles of Christianity as found in the Word of God. It might be argued that today such laws cannot pertain, because America is a multi-religious nation. But every nation must establish

law and order on the basis of principles that transcend the human race itself. Surely the Law of God enshrined in Exodus 20:3–17, is the greatest set of precepts ever enunciated to the human race, for they are divine commandments. These are laws, many of which transcend diversity of culture, ethnic consideration, or religious heritage. Thou shalt not kill, thou shalt not commit adultery, thou shalt not steal, thou shalt not bear false witness are examples of commandments accepted as desired principles in most societies. Even in the primitive culture of the Australian aborigines these precepts are to be found.

The extent to which we withdraw ourselves from this paradigm is the extent to which we threaten the safety, the security, and the freedom of the citizens of the nation. Some argue that the promotion of these precepts as the basis of national law intrudes upon the separation of church and state. However, that would be too impulsive a conclusion. The law of God is the greatest liberating principle for all the human race, whether one be Christian, non-Christian, or atheist. The Bible declares God's law to be a law of liberty. Jesus Himself said,

And ye shall know the truth, and the truth shall make you free. John 8:32

James makes this fact as plain as any Bible writer.

But whoso looketh into the perfect law of liberty, and continueth therein, he being not a forgetful hearer, but a doer of the work, this man shall be blessed in his deed. James 1:25

So speak ye, and so do, as they that shall be judged by the law of liberty. James 2:12

In the Supreme Court of the United States, above the Chief Justice's chair, is a tablet representing the Ten Commandments. This symbolizes the specific divine basis for the laws of the United States of America. But significant changes have taken place. When the Constitution of the United States was framed, the law of God was held supreme by almost all citizens in the country, and by the citizens of many of the countries of the western world, as the basis for the formulation of human law. However, with the erosion of Christian faith, with the increasing dominance of evolutionary theorizing and non-Christian and anti-Christian sentiments, there has been a none-too-subtle erosion of the primacy of God's moral law.

By the early part of the nineteenth century, the advocacy of social mores built upon "what is best for society" began to exert their impact upon the more irreligious elements of society seeking a basis, independent of the principles of divine writ, for the establishment of human codes. It is true that, initially, most of the social mores that began to be established had a remarkable similarity to the principles of God's law, for in reality they represent the generally agreed principles for the protection and freedom of mankind. But later in the nineteenth century, the Danish theological philosopher, Søren Kierkegaard, enumerated the principles of modern existentialism. This revolutionary figure in Protestant history has done much to affect the thinking of many modern day Christians, as well as of those of other faiths. The philosophy of existentialism basically asserts that each person has the right to determine that which is right and proper, thus challenging the immutable law of God as the ultimate foundation of all moral codes of conduct.

Kierkegaard's preoccupation with the significance of the subjective has led to an increasing emphasis upon the primacy of the individual in the determination of morality and right. Some have suggested that "Christian" existentialism encompasses the noble concept of man's personal relationship with God. While this idea is sometimes expressed, the main thrust of "Christian" existentialism is away from the claims of God's eternal law upon human life. For untold generations, Christianity had held unitedly to the immutability of the law of God as the basis of truth and morality. Thus, right and wrong were clearly defined, and the parameters of acceptable behavior were early taught in the lives of children.

In the nineteenth century, however, there was a marked shift away from belief in the immutables of God, to a reliance upon human judgment and evaluation. Often, existentialism is clothed in the idealistic concept of love and respect for the rights of the individual. It has become increasingly popular to assume that each person has a right to his own values and viewpoints. There is an essence of truth in this, in the fact that God coerces no man, and permits each one freedom of the will to make his choices. Unfortunately, this concept is often extrapolated further, to suggest that each person's opinion or concept has equal merit. Indeed, the merit of an idea can be determined only in the spotlight of the law and the Word of God. Those ideals which are consistent with the revelation of the Eternal, alone are concepts of value. All other concepts are valueless, irrespective of the linguistic opulence in which they have been couched or the titillating stimulation of the intellect which they elicit. The law of God must be set forth as the sole basis of the standard of moral conduct in society.

While we concur with the existentialist protest against views of the world, and policies of action, in which the individual human being is regarded as the helpless victim of historical forces, or as the pawn of his environment, nevertheless the existential model is one that has no foundation upon which to build. It is rooted ultimately in the selfish choices and desires of man, often without consideration for the good of others, for—

the heart is deceitful above all things, and desperately wicked: who can know it? Jeremiah 17:9

There has to be a foundation in law independent of, and wholly separated from, the limited parameters of human desire. The existentialist model is a formula for moral and social chaos, and must bear the responsibility for much of the moral confusion in contemporary society.

The true principles of freedom and liberty are predicated, not upon individualized concepts, but upon eternal verities that affect, not only the good of the individual, but the good of society as a whole. The freedom of one can never be granted if it limits the freedom of another. Two terms today are used to define the morals that form the basis of justice in society—natural law and common law. The term *natural law* has been used frequently. That term, as we understand it, deals with that law which represents the best for the common good of all citizens of society, including minorities. These laws are said to be derived from nature and are believed to be binding on human actions apart from or in conjunction with laws established by human authority. Just as surely the term *British common law* refers to those laws which represent common sense principles for order and justice in society, based upon previous court decisions and on customs established in Britain. These were rooted in the Ten Commandments.

However, today, in dealing with the Ten Commandments, there is one area that is not always well articulated. Indeed, voices are being raised which bring fear to many citizens of the nation. These voices demand a return to Mosaic justice, justice built upon very severe punitive measures for the violation of God's law. We must keep in mind that the Israelites were under a theocracy, and the punishments meted out represented a more perfect justice than can be expected in the non-theocratic governments of today. Great caution should be exercised in giving support to such forms of justice in the imperfect and often faulted legal systems of today.

Now having clarified that we firmly believe that the Ten Commandments are the basis of true morality, we must delineate between what is the proper sphere of government and what is the individual basis of morality. Chapter 15 entitled "Common Law and Religious Freedom" sets forth the tragedies that have resulted from the enforcement of common law established upon the Ten Commandments. The enforcement of all of the commandments by finite humanity is to rob men and women of their God-given freedom of choice.

Nevertheless, there is an area that must not be overlooked by those who would assert that government has no responsibility to legislate morality. Such concepts represent careless thinking, for it is not only the right, but indeed the responsibility of civil governments to legislate against immorality, and to protect man against wrong actions by his fellow beings. It is not until a man inflicts grievous action against his fellow man or against the property of his fellow man that the state has a right to punish. Too often the advocates of stronger legislation established upon the Ten Commandments fail to recognize that the Ten Commandments are presented by God in two sections. The first four commandments deal with man's relationship with his God, and the last six with man's relationship to his fellow man. It is within the perimeter of the last six commandments that government has responsibility to protect its citizens.

Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's. Exodus 20:12-17

These commandments are the basis of good law against disorderly children; murder; a wide range of immorality, including rape, homosexuality, incest, pornography, lewd conduct, and adulterous practices; against theft, forgery, and all forms of dishonesty including perjury and damaging falsehoods; and even in the area of coveting, some of the antitrust laws do at least modify some of the gross manifestations of coveting, without, of course, necessarily transforming the character of the individual. Any government that does not secure just laws in respect of the final six commandments would indeed be guilty of dereliction of duty. But too few define clearly between the government's responsibility in respect of the protection of human

rights, and the government's non-involvement in areas of man's relationship to his God as articulated in the first four commandments:

Thou shalt have no other gods before me.

Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth: thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments.

Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain.

Remember the sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it. Exodus 20:3-11

Governments cannot rightly take any responsibility in the enforcement of man's relationship to God, nor should they seek to read the intents of the heart in relation to the last six commandments. Only God can read the heart. When men make such efforts, many serious errors are inevitable. With the moral decline in society, there are an increasing number of well-meaning people who are urging the legislation of, for example, a return to enforced worship attendance. We have been to countries where the population is punished for breeches of religious laws quite unrelated to civil matters. Such laws have been rigorously enforced in past Christian societies; but they are a violation of the sacred freedom that God has given to men and women to accept or reject His call upon their lives and service.

While we deplore the social situation prevailing in even so-called Christian nations today, yet there must be no enforcement by man of the commandment to have no other gods before the God of heaven, nor against God's command to prohibit the making and worshiping of graven images, nor even the blasphemous and careless use of the sacred name of our holy God; nor to force men to worship God or to attend religious services.

Citizens, politicians, legislators, and judicial officers can fulfill their rightful responsibility in government only as they clearly define their responsibilities in terms of the last six commandments, and recognize that they possess no mandate to trample upon the consciences of citizens by legislation concerning the first four commandments. Therefore it is altogether appropriate for civil law to reflect the principles of the last six of the divine commandments. But any legislation concerning the first four commandments is a violation of the basic principles of religious freedom.

Chapter 15

Common Law and Religious Freedom

ONE of the most tenacious principles of legal practice centers upon the so-called common law. *Common law* was said to be derived from the principles of Scripture. In the seventeenth century, Sir Matthew Hale declared that the whole Bible made up the *common law* of the land (England). William Blakely states that the basis of common law was established upon fraudulent claims that King Arthur the Great had established such laws. (William Blakely, *American State Papers Bearing on Sunday Legislation*, p. 137) *Common law* was incorporated within the legal judgments of England without any recourse to parliamentary legislation. Soon the arguments were not concerning whether Christianity was part of the law of England, but simply how far the ecclesiastical laws were to be respected by the common law courts of England. So central had biblical Christianity become to the basis of common law by the eighteenth century that in 1728, the court would not allow any debate concerning whether violations of Christian principles were punishable in the temporal courts of the land.

Emphatically Sir Matthew Hale had stated that, "Christianity is part of the laws of England" (quoted in *ibid.* p. 131). In 1767, Lord Mansfield qualified this only slightly by declaring, "The essential principles of revealed religion are part of the common law" (quoted in *ibid.*). Naturally, the emphasis upon *common law* became very important to the American Colonies, and in many colonies similar enactments took place. Further, it was only natural, once an independent nation had been established after the Revolution, that the jurists and legislators of America would look very closely to the issue of common law as it related to the emerging legal foundation of justice in the United States.

For a moment let us look at the laws that were established in England on the basis of *common law*—that is, laws arising out of the Scriptures.

(1) *Apostasy*. Quoting the later Roman emperors who had converted to Christianity, such as Constantine and Julian, it was stated that those who apostatized from Christianity, by either embracing a false religion or professing no religion at all, were to suffer confiscation of goods. Even later Emperors Theodosius and Valentinian added capital punishment, fearing that the apostate might pervert others to their same "iniquity." So far did this fearful principle influence thinking in the American colonies that it was decreed that apostates would be burned to death.

(2) *Heresy* consisted, not in the total denial of Christianity, but in the disavowal of what some held to be the essential doctrines of the Church. Indeed, often even minor deviations from the teachings of the established church were adjudged to be heretical. In the early Christian church, such heresies were first enjoined by excommunication and ecclesiastical deprivation. Later, however, the determination of heresy against a person would lead to imprisonment and confiscation of his goods. Still later it became a capital offense. Thus, at the level of punishment, heresy was seen in exactly the same light as full scale apostasy, or atheism, or paganism. In later generations the same penalty was applied in Britain for the "crime" of heresy, as in the Dark Ages.

(3) *Non-conformity* related to offenses against the religion as practiced by the established church. This could either come by reviling the church's ordinances, or by not conforming to its worship. In the days of Queen Elizabeth and James I, non-attendance at church resulted in a one-shilling fine to be given to the poor; and twenty pounds to the monarch if the default continued for a

month or more. If any one kept such a person in his home, he forfeited ten pounds per month. Others could suffer fines because of a mistaken or perverted zeal.

(4) *Blasphemy* could include profane scoffing of the Holy Scriptures and the blasphemous use of the name of God. Such was punishable by fines, imprisonment, and corporal punishment.

(5) *Swearing and cursing* were considered a lesser offense than blasphemy but, nevertheless, they came under the punishment of the *common law*.

(6) *Witchcraft, conjuration, enchantment, and / or sorcery*. Laws were enacted that those practicing such evil craft were to be punished by death, as were those who sought counsel from them. Many women were put to death upon very doubtful evidence of the practice of witchcraft. This was another ecclesiastical law that was practiced also in the early days of the American Colonies.

(7) *Religious impostors*. Those falsely claiming extraordinary commission from heaven were punished by the temporal courts with fines, imprisonment and corporal punishment.

(8) *Simony* is the practice of using religion for personal profit. This too was severely punished.

(9) *Profaning the "Lord's Day" (Sunday)*. This included the practice of conducting secular business and such transactions on the first day of the week. Work was also prohibited on Sunday and offenders were fined.

(10) *Drunkenness* & (11) *Lewdness*. There were severe fines for anyone who was considered to exhibit immodesty in any way.

Most of the offenses in one way or another relate to the first four of the Ten Commandments—man's relationship and obligation to God. As we have maintained throughout this book, civil government has no right to interfere in man's relationship to his God. But government does have an inescapable responsibility to guard strenuously the rights of all citizens to practice their religion free of any hindrance or disturbance. The civil governments certainly have responsibility in terms of the last six of the Ten Commandments—man's relationship to man, but there ends their responsibility in protecting the life, limb, and property of citizens. Blakely affirms that,

It is evident that the idea that Christianity is a part of the common law of the American People, is not only contrary to the facts in the case, but it is contrary to reason, human right, and even to Christianity itself. *Ibid.*, p. 142

He then quotes Jefferson as saying,

Christianity was never intended to be enforced by law, . . . and all attempts at compulsion are now, and always were, diametrically opposed to the teachings of the Author of Christianity. Religious legislation is the heritage that has been handed down to us from pagan times; and in all these laws can be seen the pagan superstitions. These superstitious ideas were on the statute books of the Roman Empire, were adopted by a corrupt Christian church, and carried wherever the empire extended its dominion; were fraudulently engrafted on the common law of England by the supporters of the church, and have thus come down through the Puritans to us today—a relic of the superstitious ideas of the dark ages. Quoted in *ibid.*

Yet in spite of the contributions of Jefferson, Madison, and others, common law as derived from Holy Scriptures has been a very tenacious part of American jurisdiction. This has been especially so in regard to blasphemy laws and Sunday laws dealing with the third and fourth commandments. In the 1880s and 1890s especially, there were strong efforts to institute laws to preserve the sacredness of Sunday observance.

Once again in contemporary American society there is an increased call for similar legislation to reintroduce or enforce laws that are still on the statute books, that require cessation from certain forms of behavior on Sundays. It is beholden upon every citizen of the United States, and indeed the citizens of every nation of the world, to resist any efforts by the legislature or the judiciary to impose upon citizens, obligations under the guise of common law which are matters of conscience between individuals and God.

Chapter 16

The Bible in Public Schools

IN the latter part of the nineteenth century, a number of legal battles took place over the reading of Bible in the public schools of America. In the 1870s, a case that was to have significance in other parts of the United States revolved around the decision of the Cincinnati Board of Education, to repeal a resolution which had allowed for teachers to read the Bible in the classroom. The new resolution was as follows:

Resolved, That religious instruction, and the reading of religious books, including the Holy Bible, are prohibited in the common schools of Cincinnati, it being the true object and intent of this rule to allow the children of the parents of all sects and opinions, in matters of faith and worship, to enjoy alike the benefits of the common school fund.

Resolved, That so much of the regulations of the course of study and text-books in the intermediate and district schools . . . as reads as follows: "The opening exercises in every department shall commence by reading a portion of the Bible, by or under the direction of the teacher, and appropriate singing by the pupil," be repealed. Quoted in William Blakely, *American State Papers Bearing on Sunday Legislation*, 1891, p. 192

A number of citizens objected to this measure, and the case was heard before the Superior Court of Cincinnati. In a two-to-one decision, the Superior Court overruled the resolutions of the school board, thus continuing the reading of Bible in the city schools.

However, the case was appealed to the Ohio Supreme Court, which reversed the decision of the Superior Court, thus upholding the school board's decision to delete the reading of Bible from public schools in Cincinnati. The majority opinion of the Ohio Supreme Court was written by Mr. Justice Welch, who argued forcibly,

We are told that the word "religion" must mean Christian "religion," because "Christianity is a part of the common law of this country," lying behind and above each constitution. Those who make this assertion can hardly be serious, and intend the real import of their language. If Christianity is a *law* of the state, like every other law, it must have a *sanction* and equal penalties must be provided to enforce obedience to all its requirements and precepts. No one seriously contends for any such doctrine in this country, or, I might almost say, in this age of the world. Blakely, p. 192, 193

The justice went on to point out that,

True Christianity asks no aid from the sword of civil authority. It began without the sword, and wherever it has taken the sword, it has perished by the sword. To depend on civil authority for its enforcement is to acknowledge its own weakness, which it can never afford to do. It [Christianity] is able to fight its own battles. Its weapons are moral and spiritual, and not carnal. Blakely, p. 193

Mr. Justice Welch also pointed out that there is no mention in the Preamble to the Constitution of the United States, of religion as one of the declared objects of government, much less Christianity. Therefore he argued that the state could not have any religious opinions. (Blakely, p. 194, 195)

Counsel for the plaintiffs had argued that to withdraw all religious instruction from the school would be to place children under the control of "infidel sects." (Ibid. p. 200)

The judge argued against this viewpoint, saying,

This is by no means so. To teach the doctrines of infidelity, and thereby teach that Christianity is false, is one thing; and to give no instruction on the subject is quite another thing. The only fair and impartial method, where serious objection is made, is to let each sect give its own instructions, elsewhere than in the State schools. Ibid.

The judge then quoted James Madison as stating,

Religion is not within the purview of human government. Religion is essentially distinct from human government, and exempt from its cognizance. A connection between them is injudicious to both. There are causes in the human breast which insure the perpetuity of religion without the aid of law. Ibid., p. 200, 201

Of equal significance was a decision of the Supreme Court of the State of Wisconsin delivered in July of 1890. The case involved the reading of portions of the King James Version of the Bible every day in the public schools in the city of Edgerton. Some of the taxpayers of Edgerton, apparently Roman Catholics in their religious faith, objected strenuously and took their complaint to the court. The Wisconsin Supreme Court rendered a unanimous decision in which they declared such bible reading to be unconstitutional. The court ruled that the reading of the Bible in the public schools of the state during school hours was sectarian instruction, and thus prohibited by the Constitution. (Blakely, p. 226)

Mr. Justice Lyon, rendering the court's decision, pointed out that the King James Version of the Bible was not accepted by all religious sects. Commenting upon the decision of the Wisconsin Supreme Court, the New York *Independent* wrote,

We presume that there is not a Protestant in Wisconsin who would hesitate a moment on the point, if the book read had been the Douay version of the Bible, which is acceptable to the Catholics, or the Koran [of the Muslims], or the Book of Mormon. The reading of such a book as a part of school exercises, whether for worship or religious instruction, would be offensive to Protestants, and they would have good cause for complaint, just as the reading of the King James's [sic] Version, which is sometimes called the Protestant Bible, is offensive to Catholics. New York *Independent*, July 19, 1890, quoted in Blakely, p. 227

The school board of Edgerton had argued that no pupil was required to stay in the school room when the Bible was being read. But Mr. Justice Lyon responded as follows,

When, as in this case, a small minority of the pupils in the public school is excluded, for any cause, from a stated school exercise, particularly when such cause is apparent hostility to the Bible, which a majority of the pupils have been taught to revere, from that moment the excluded pupil loses caste with his fellows and is liable to be regarded with aversion, and subject to reproach and insult. But it is a sufficient refutation of the argument that the practice in question tends to destroy the equality of the pupils, which the constitution seeks to establish and protect, and puts a portion of them at a serious disadvantage in many ways with respect to that of others. Quoted in Blakely

Third, the Wisconsin Supreme Court argued that,

The reading of the Bible is an act of worship and therefore the taxpayers of any district cannot be compelled to contribute to the support of public schools which enjoin an act of worship. As the Wisconsin constitution expressly declared that the people could not be compelled to erect any place for the purpose of worship, then no tax money could be used to support a public school which introduced any element of worship into its curriculum. Ibid. p. 228

The fourth point made by the court was that, should religious instruction take place in the public school, it would be parallel to the state supporting a religious seminary. The justices assured the community in their statement that the schools had every right and responsibility to teach morality and good conduct in the common schools, but that it should not be connected with any particular church or religion, for such a practice inevitably led to the state becoming despotic.

In spite of the careful way in which these two cases were argued, whereby the issue of the reading of Scripture in the public schools was forcibly declared to be unconstitutional, this issue continues to be repetitively raised in American society even to this time. It must be emphasized that in the freedom principles of America, any religion, Christian or otherwise, has the full right to establish its own schools and to teach emphatically the belief system that it holds, and to use any means of instruction it chooses, whether it be the Bible, the Koran, the writings of Hinduism, Buddhism, or any other "holy" book.

If the arguments quoted above were to be taken to their logical conclusions, the present thrust for the establishment of the voucher system in the United States would be held to be wholly unconstitutional. The voucher system calls for parents to be provided with a certain amount of money for education, should they choose to have their children educated in a private or sectarian school. Logic would also lead to the repealing of legislation in countries like Australia where huge amounts of funds are provided from the public treasury in the support of private and sectarian schools. Such actions seriously breach the principle of the separation of church and state.

The public school system has been established to serve the educational needs of the citizens of the nation. It is charged to exclude the presentation of sectarian concepts. It supports no particular religion, be it Christian or non-Christian, nor does it proselytize those who have no religious persuasion.

Today the Christian community of the United State is sharply divided on the issue of bible readings and school prayer. Some of the more strongly fundamentalist Protestants believe that the removal of prayer and the reading of the Bible from the public schools has greatly diminished the moral influence of the public schools upon their students. They see this as a factor contributing to the violence, crime, and immorality that is prevalent in society today. Thus there is increasing agitation for the removal of some of the strict laws that have been passed in more

modern times, prohibiting the teaching or practice of religion in the public schools. It must never be forgotten that false thinking is always supported among its advocates by plausible reasons. That truism is evident in this matter.

Other citizens believe that to introduce prayer into the public schools or to allow bible readings would be a direct violation of the establishment clause of the First Amendment. Today, as the cosmopolitan nature of American society reflects increased numbers who have accepted non-Christian religions, these matters become an even more contentious issue. However, the elimination of any vestige of Christianity in the public schools has brought fierce opposition from many sincere Christians. There are at least three troubling elements at stake:

(1) As mentioned, it is argued that the great social problems, including violence, crime, sexual promiscuity, and drugs, are partially a result of the lack of moral influence now exerted in the public school systems—a decline that is linked to the elimination of Judeo-Christian values in schools and in society, and specifically the principles of the law of God.

(2) Presently, however, the curriculum developers seem to have much less inhibition about presenting non-Christian religions such as Islam, Buddhism, and Hinduism in the social studies text books. It has sometimes been argued that this is part of the acculturation of the students to the pluralistic society in which they live. But such answers do not satisfy sincere Christians, who object strenuously to what they see as the replacement of what were once the Judeo-Christian values by the non-Christian values.

(3) Almost universally, evolution theory is being taught in the public school system. Many sincere Christians see this as a concept totally antagonistic to Christianity. Those who believe so see it as a deep breach in the intent of the First Amendment, for they see it as planting anti-Christian precepts in the minds of the students. Some Christians, who otherwise might be favorable to a level of Christian principles being taught in the public school, are now reticent because of the diversity of religious thought within the United States of America.

While some Americans possess little concern about various religious groups offering some religious instruction in public school, they have no desire to see pagan religions being taught in the public schools of America. They point to the fact that, fundamentally, America is a Christian nation, established upon Christian principles, a nation whose coins declare, "In God We Trust." They are further revolted by the thought that some satanist groups might also argue their right to offer instruction in public schools. Thus for these reasons they prefer to forego their desire to have Christian principles enunciated in the public school system.

Still others argue that the American society provides opportunity for parents to send their children to private schools where there is no restriction on the type of religious training that may be provided. The limitation of this argument is that, while this provision is available, theoretically, to all citizens of the nation; in reality, because of the cost to parents of private school education, it is, in practical terms, unavailable to the very poor families of the nation. The issue of school prayer and bible reading is a very complex one, where a society attempts to provide equal access for all students, on the one hand, but on the other, seeks to avoid supporting or appearing to support any particular religious persuasion.

When we were boys growing up in Australia, we attended public school up until the end of fourth grade. There the government schools attempted to solve the issue in a way which at that time proved satisfactory to Australian citizens. Any religious group could appoint one representative to teach a religious class one period per week. Each representative was provided a class room in which to expound the Scriptures to the children who would attend. The students could choose whatever church group they desired, or, if they desired not to attend any group, they could spend the period in the school library. Thus the schools provided for at least some Christian training for those who wanted to take advantage of it, without requiring anyone to attend or promoting any particular religion. In today's society, the authors are not enthusiastic for this process, knowing the attraction that anti-Christian religions would provide for many children.

Another group of citizens, while not supporting coercion of Bible reading in a public school environment, nevertheless recognize that the reading of the Bible would hurt no child. Indeed, for many, they argue, it may be the only place where they ever hear the words of the Bible; the only opportunity that they would have to recognize its power in the human life. Some Christians fear that if they strongly oppose the reading of the Bible in the public schools, they may be seen as opposing the Scriptures. If this should happen, they could be counted with the atheists, the agnostics, and the infidels who oppose the Word of God.

The authors stand firmly upon the platform of separation of Church and State in the curriculum of the public schools. We stand firmly against the voucher system or any system that calls for public funding to support private education. Great care must be exercised to avoid anything that would erode the broadest intent of the guarantees of religious freedom and separation of church and state.

Citizens should not overlook the fact that the misuse of state monies for parochial school education is far from unknown. In Australia public money has been on occasions utilized for the construction of denomination youth centers, using the justification that children from the sectarian school sometimes go to the youth center for field trips. Other cases of abuse of state funds include church administrators appropriating state-aid funds for their salaries on the grounds that they have some supervisory role, such as school board chairman, or as treasurers of the church, because the government monies are sent to them for dispersion. Such abuses are not the central issue of opposition to state funding of private schools, for that centrality rests upon the principle of the separation of church and state. They do, nevertheless, underscore the lack of integrity sometimes exhibited by church administrators.

Chapter 17

The Christian and Politics

EVER since the emergence of the Christian Coalition and its forerunner, The Moral Majority, the Christian community has been sharply divided upon the role, if any, Christians might appropriately play in the political process. Many see involvement in political action as a God-given responsibility; others believe that they have an individual responsibility to vote for the best

candidate, and upon issues of significance, while yet hesitating to join in an orchestrated political thrust by a united Christian organization. On the other hand, others avoid political involvement of any kind, declining to register and vote, perceiving the political process as of the world, not productive to the hastening of the spread of the gospel.

In some church communities, the political debate has become as intense as the debate on doctrinal and social issues. Rarely is this debate raised without generating much heat and emotive dialogue. In some of the English speaking countries, including our homeland of Australia, many citizens avoid dialogue on religion and politics, frequently responding to those who would initiate such a conversation with blunt words such as, "Listen, Mate, there are two things I don't talk about, religion and politics. They only get you into fights." Generally speaking, however, Americans see free speech as especially enshrined in their inalienable right to share their religious and political views.

The Christian Coalition has energized the political debate by what were seen as spectacular successes of those candidates it endorsed for the 1994 mid-term congressional elections. Many candidates of both major political parties hastened to align themselves with the moral values espoused by the Christian Coalition, in order to enhance their election prospects. Even in the 1996 elections, the Christian Coalition was credited with holding both houses of Congress for the Republicans in spite of the failure of Republicans to recapture the White House.

But the Christian Coalition has faced much opposition. Its welding of conservative Protestants and Roman Catholics has not stood well with many Protestants, who, following the sixteenth century Reformers, identify the Roman Catholic system with the antichrist of biblical prophecy or the beast power of Revelation 13. The development of the manifesto, "Evangelicals and Protestants Together," brought swift condemnation from other evangelical leaders, who began a relentless attack on what they perceived as the unholy union of Protestants with Catholics, irrespective of the validity of their cause.

Here we want to explore a few of the issues which may assist to ensure a more valid and less emotive response to the Christian political debate. We turn to the Holy Scriptures to help us discover the appropriate response of Christians to the political process. But before we do this, we must acknowledge that all Christians do not regard moral issues in the same light. No issue more highlights this division than the abortion debate. Christians are on both sides of this issue. Many see abortion as the most intolerable form of murder—murder of the most defenseless of all human beings, the embryo or fetus. Other Christians see the freedom of women to choose, as fundamental to Christianity. We stand firmly with the opposers of permissive abortion, basing our decision on the evidence of Scripture. The Psalmist makes it plain that God has a record of the blueprint of every pre-nate.

For thou hast possessed my reins: thou hast covered me in my mother's womb. I will praise thee; for I am fearfully and wonderfully made: marvellous are thy works; and that my soul knoweth right well. My substance was not hid from thee, when I was made in secret, and curiously wrought in the lowest parts of the earth. Thine eyes did see my substance, yet being unperfect; and in thy book all my members were written, which in continuance were fashioned, when as yet there was none of them. Psalm 139:13–16

It is also evident that God places special calls upon human beings in the prenatal period.

Listen, O isles, unto me; and hearken, ye people, from far; The Lord hath called me from the womb; from the bowels of my mother hath he made mention of my name. Isaiah 49:1

Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations. Jeremiah 1:5

For he [John the Baptist] shall be great in the sight of the Lord, and shall drink neither wine nor strong drink; and he shall be filled with the Holy Ghost, even from his mother's womb. Luke 1:15

Whereas we also stand firmly against euthanasia, Christians are divided on the issue. Russell, as a physician, is especially interested in this matter. There is much less division over the need to greatly reduce violence and crime in society, yet debate continues on how to effect that result; should it be by teaching, or by legislation, or a combination of both?

Society's Moral Decline

Few Christians would argue against the evidence of dramatic moral decline in society. This is supported by many factors, including the appalling increase in premarital sexual relations; the rise in teen pregnancies; the abortion carnage; the flaunting of homosexual and lesbian relationships; the breakdown of marriage, largely due to the high level of adultery; the rapid increase in single parent families, and the consequent rise in psychological problems, violent crime, and antisocial behavior. Students of history recognize that dramatic moral decline is the forerunner of national chaos. No society of the past, which continued in moral depravity, survived for long. Western society, not only American society, is surely in the balance.

It is not insignificant that this moral decline parallels the rapid reduction in the influence of Christianity upon society. This is not only evidenced by the lack of church attendance, it is evidenced by the divestment of Judeo-Christian values. But most alarmingly, this moral bankruptcy is often reflected in the church community itself. Ironically, the problem of greatest concern to the Christian Coalition—the increase of violence and immorality in society—has been significantly augmented by the contemporary teachings of the very churches of Christendom who form the Christian Coalition, and the responsibility may be, in part, validly laid at their feet. Most of the represented Churches are presenting an impotent God who does not provide the power to overcome temptation, whereas the Bible presents a powerful gospel in which God promises the power of Christ to resist successfully the temptations of Satan. Thus many are taught salvation for those living a life of sin, thus denying the power of the gospel.

For I am not ashamed of the gospel of Christ: for it is the power of God unto salvation to every one that believeth; to the Jew first, and also to the Greek. For therein is the righteousness of God revealed from faith to faith: as it is written, The just shall live by faith. Romans 1:16, 17

Wherefore he is able also to save them to the uttermost that come unto God by him, seeing he ever liveth to make intercession for them. Hebrews 7:25

Now unto him that is able to keep you from falling, and to present you faultless before the presence of his glory with exceeding joy . . . Jude 24

There is only one true answer to this crisis, and that is the reestablishment of the true principles of morality and human stability enshrined in the words of Holy Scripture. Therefore, Christians have a proper, and indeed, a critical role to play in seeking to redress the evils of modern society. They must preach the Bible principle of victory through Christ over sin, and encourage parents to uphold this principle to their children.

The Moral Role of Government

An increasing cry of opponents to the Christian Coalition has been, "Government has no right to legislate morality." Presumably, the concept behind such a statement is that morality is a result of education, and the transformation of life. God is not a God of coercion, therefore our efforts must be placed in education, training, modeling, and in establishing moral values in the home and society. The response of the Christian Coalition has been to support the need for rigorous education and the reestablishing of the moral high ground that the church should hold in society, but to achieve these aims, it argues that government must establish laws that would encourage morality, and appropriately punish those who would violate decent standards of society.

We would caution those who proclaim that government has no right to legislate morality (see chapter 16 entitled, "The Bible in the Public Schools"). It is true that only the power of Christ can transform the carnal sinner into a converted saint, but if we deny government the right to legislate against immorality, we would have to oppose laws against murder, rape, perjury, robbery, and other such crimes clearly related to the violation of the Ten Commandments. Most important, we would have to deny the pointed testimony of Paul to the Roman believers. The language of Paul is extraordinary, considering the fact that he was talking of a pagan power, erratic and not infrequently ruthless in the administration of justice. In the thirteenth chapter of Romans, Paul defines the appropriate role of government in maintaining moral conduct, and dispensing justice in the breach of that conduct.

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: for he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour. Romans 13:1-7

Reviewing the above counsel, we observe the following scriptural principles in relation to the Christian's responsibilities to government:

- 1) Christians have a responsibility to be subject to the powers in rulership, even when they are not motivated by Christian ideals or principles.
- 2) Rulers are ordained of God.
- 3) If Christians resist the authority of the rulers, they in effect are resisting God.

4) Resisting the rulership of earthly powers will lead to damnation.

5) When a Christian does evil, he should rightly fear the civil powers.

6) Tribute (tax) is due to the governmental authorities. Such scriptural testimony indicates that those Christians who have felt compelled to refuse to return tax to the government are out of step with the testimony of Scripture, as are those who take a decidedly anti-government approach. Rather, the role of a faithful Christian is to help government reflect the best values for the maintenance of a secure, but free society.

The Limits of Governmental Authority

We might well ask, Are there any limits to government legislation and authority in matters related to the Ten Commandments? No human institution has absolute rights. The response of Peter and the apostles to the Jewish leaders, when commanded to cease preaching in the name of Jesus, was uncompromising.

Then Peter and the other apostles answered and said, We ought to obey God rather than men. Acts 5:29

As stated in chapter 14 entitled "The Ten Commandments and Civil Law," rarely have modern-day Christians made the appropriate distinction in terms of the Ten Commandments. We emphasize the thought that the Ten Commandments are divided into two sections. The first four Commandments deal with man's relationship and responsibility to God, and the last six with man's relationship to his fellow humans. We have asserted that government has every right to legislate fair and just laws in relationship to the last six Commandments, but has no right to legislate in the sacred relationship of man to his God.

The framers of the United States Constitution and the Bill of Rights made no mistake upon this issue. They thoroughly protected citizens against the intrusion of legislation against their right to worship according to the dictates of their consciences. They also did everything they could to limit the power of government to develop autocracy. However, the Constitution in no wise limited the role of government in crafting safe laws for the security of its citizens. Here is the great divide. It is our responsibility to convince those fellow Christians, determined to encourage and pressure the government to frame laws that will address the moral issues of today, to define clearly between those areas that reflect the inter-relationship of human beings from those areas addressing man's relationship with God. On the other hand, it is important to convince other Christians that within the parameters of the last six Commandments, Christians do have a right, indeed a responsibility, to influence the moral laws of the land.

There are many examples in the nineteenth and early twentieth centuries where Christians actively united to fight a moral evil. Christians in the United States were in the vanguard of the battle to outlaw permissive abortion in the 1860s and 1870s. So successful was their crusade, that national legislation was enacted against permissive abortion, that formed the foundation of law

for the next 100 years, until such laws were voided by the Supreme Court decision in 1973, *Rowe v. Wade*.

Another classical example was the fight against alcohol. The temperance theme became a banner held high by many Christians. It was Christians who spearheaded the prohibition movement. The Women's Christian Temperance Union fought relentlessly on this issue for many decades, exposing the devastating impact of alcohol upon family life and societal stability. Theirs was a noble work. Ironically, it is likely that most Christians today would vigorously oppose prohibition, yet alcohol consumption still leads to the greatest family and societal problems of the age. As a medical student at secular Sydney University thirty-five years ago, Russell was taught that alcohol causes more crimes of violence, marital disharmony, mental deterioration, and psychological illness, than heroin, morphine, barbiturates, amphetamine, cocaine, and all other drugs *combined*. So much attention has been placed upon illegal drugs, that the dangers of alcohol often are almost ignored.

The present day assault on legal drugs is focused upon tobacco. Certainly nicotine is a pernicious drug, and all laws enacted against its production, manufacture, and use, are worthy of support. But its effect upon family life, social relationships, work productivity, and crime rates, pales into insignificance when measured with the baleful consequence of alcohol in all its forms.

The Christian and Political Activism

The proclamation of the gospel of Jesus Christ must ever be the first and foremost objective of every faithful Christian. This is the commission of Jesus. Nothing else can supersede this goal.

Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Matthew 28:19

This gospel will reach every human being before the return of Jesus Christ.

And this gospel of the kingdom shall be preached in all the world for a witness unto all nations; and then shall the end come. Matthew 24:14

This gospel of salvation includes the forgiveness of God, which brings justification,

Much more then, being now justified by his blood, we shall be saved from wrath through him. Romans 5:9

Important as salvation is, it is essential that we acknowledge that the gospel commission also includes God's call to sanctification, which is holiness of character.

But we are bound to give thanks alway to God for you, brethren beloved of the Lord, because God hath from the beginning chosen you to salvation through sanctification of the Spirit and belief of the truth. 2 Thessalonians 2:13

This call provides the reason why, frequently, justification and sanctification are *married* together in the gospel statements. Below are cited just two examples.

Paul reported Jesus as stating,

To open their eyes, and to turn them from darkness to light, and from the power of Satan unto God, that they may receive forgiveness of sins [justification], and inheritance among them which are sanctified by faith that is in me. Acts 26:18

Paul also wrote,

For what the law could not do, in that it was weak through the flesh, God sending his own Son in the likeness of sinful flesh, and for sin, condemned sin in the flesh [justification]: that the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the Spirit [sanctification]. Romans 8:3, 4

Indeed, the Lord's prayer joins together both justification and sanctification.

And forgive us our debts, as we forgive our debtors [justification]. And lead us not into temptation, but deliver us from evil [sanctification]: For thine is the kingdom, and the power, and the glory, for ever. Matthew 6:12, 13

It is within the principle of sanctification, which is often ignored by modern-day Christians, that our answer must be evaluated. Faithful Christians must not only work to bring men and women to forgiveness, but also to restoration and the power of the Holy Spirit. This is first and foremost the work of teaching and example. But this does not exclude the political process. It is understandable that many Christians see the danger in party politics, in fierce loyalty to a party's platform, and therefore avoid either joining a political party, or voting along political lines. We, ourselves, would never join or promote a political party. We believe that no political party fully promotes godly interests, so the gospel commission would be weakened by aligning ourselves to worldly minded political parties. However, Christians do have a responsibility to vote on moral issues. How far they intrude into the political process is a matter of judgment. Yet, it is within the Christian responsibility to do all that is possible to help in these troublous times. Surely government has a responsibility to do all in its power to protect children and youth from the perils of gangs terrorizing communities, from pornography and other evils that truly destroy the moral fiber of young people. Many live in drug-infested societies in which it has become almost impossible for drug users to respond to the gospel.

The government's responsibility is not to dictate religion. However, it has a responsibility to provide an environment that does not destroy the capacity of children and youth to choose the way of righteousness. Christians concerned for the salvation of all souls have a responsibility to both encourage and uphold governments in this vital role. Neither is it wrong for Christians to band together for a common cause as they did in the temperance movement of the last century and early this century.

One principle worthy of adoption is the practice that the Christian should vote in each referendum or for each proposition which presents clear options on moral issues. A Christian would, however, be well advised to refrain from aligning himself with a political party even if it professed some moral issue of merit, since virtually all political parties promote a decidedly mixed agenda, in order to appeal to the unconverted as well as the converted, and to please the money sources for their political campaigns. While many argue that it is essential for them to join a party so that they may thus influence the political agenda from within, they will soon discover that they are surrounded by individuals of self-serving influence and unholy ambition. Some are ruthless in their pursuit of their own political preferment, or the promotion of political platforms which will benefit, not the good of mankind, but their own financial goals. A Christian

has no business using his God-given talents of time and speech to promote such a conglomeration of self interest. He is a servant of God, and it is the Lord's work which must occupy his endeavors. We must ever keep in mind the fact that no political party will ever solve the problems of society. Only the Second Coming of our Lord will achieve that aim, and it is the hastening of that great day which merits the use of our energies and time.

Mistakes of the Past

We must learn from the mistakes of the past. There is evidence that the politically active Christians of the nineteenth and early twentieth centuries also failed to define clearly between their role in the issues relevant to the obligations to God, and the obligations to man. For example, the Women's Christian Temperance Union, which did such a mighty work on behalf of families and society, became embroiled in the proposed Sunday legislation of the 1890s, which led to the jailing of some citizens for working on Sunday. Such a law, regarding man's relationship to God, falls entirely outside the prerogative of government, for it is a matter of personal conscience. It violates the convictions of Jews, Sabbath-keeping Christians, and Moslems, and the choices of those who do not espouse any religion.

It is of no little significance that Paul in his definition of the responsibility of Christians to government actually quoted the last five Commandments, but referred to none of the first four.

For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Romans 13:9.

The highest moral battle is for the preservation of religious liberty, which, while not supporting libertarian and *laissez faire* concepts, does permit each individual, within the framework of others' freedom, to worship according to the dictates of conscience. It would seem that there is cause for concern regarding the Christian Coalition, which does not yet appear to have forged the clear line of demarcation between laws relating to the protection of life, property, and integrity, and laws that fail to respect the sacred choices regarding religious life and practices. *Now* is the time to do so, for often it is too late once momentum has been generated for harmful legislation.

It must never be forgotten that biblical prophecy clearly states that we are nearing a time when religious coercion will be thrust upon the world. It is our responsibility to educate those Christian activists in the political arena to divide asunder the two areas of moral obligation. Government, too, must be educated upon this theme, and perceptive, dedicated Christians have a responsibility so to do.

Just as there is concern for those Christians who will tend to move the moral agenda into the first four Commandments, so there is a concern for those Christians who believe they have no responsibility to cast their vote or to use their influence upon government for the establishment of just and moral laws. There is no basis in Scripture to justify the claims that government has no right to legislate morality, nor can we support those who refuse to render taxes to the chosen government. If Christ and Paul could call for Christians to render taxes to the totalitarian government of their days, there is no case for Christians to take a stand against taxation in the environment of today. Christians surely must set the standard in responsible citizenship.

Those Christians who oppose the government enacting laws related to protecting the moral fiber of society and securing the citizens of the nation, need to be careful lest they be categorized with the anarchists and libertarians. Christians do have a responsibility to proclaim by voice, pen, and vote, the great principles of human morality. There is a God-given responsibility, not only to seek the best for earthly society, but to know, believe, live, and proclaim the matchless love of God.

The political process has no vehicle for the transformation of the heart. At the best, it can provide a stable environment that aims to protect its citizens against anarchy, chaos, and mayhem. In its rightful sphere, every Christian should be supportive and active in seeking to promote the best principles of society. But always this will be subservient to the higher goal of leading men and women to Christ and to His salvation.

Chapter 18

The Post Office and Sunday Regulations

IT all began when the Second Session of the Eleventh Congress on April 30 1810, enacted a law,

That every postmaster shall keep an office in which one or more persons shall attend on every day on which a mail, or bag, or other packet, or parcel of letters shall arrive by land or water, as well as on other days, at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster at all reasonable hours, *on every day of the week*, to deliver, on demand, any letter, paper, or packet, to the person entitled to or authorized to receive the same. William Addison Blakely, compiler and annotator, *American State Papers bearing on Sunday legislation*, 1890, p. 58

Very early this legislation was challenged by a Mr. Findley presenting a petition of the Synod of Pittsburgh, PA., praying that,

The laws governing the post office establishment might be altered or amended to prohibit mail stages and post riders from traveling and post-offices being kept open on Sunday. *Ibid.*

During the same month of January, other petitions were sent to the Postmaster-General from Pennsylvania, Virginia, and Ohio. The Postmaster-General reported to Congress, January 31 1811, that,

By virtue of the ninth section of the act of the Congress that he felt bound to compel the postmasters to receive letters and deliver letters on the Sabbath day. *Ibid.*, p. 60

For twenty years the controversy over the delivery of mail and the opening of post offices on Sunday raged. This may be surprising to present-day Americans, who have long ago become accustomed to, and reconciled to the fact that post offices are closed, and the mail deliveries do not take place on Sundays. But after that year a further petition was made, plainly stating the reason for the call for postal services to cease on Sunday:

Your memorialists cannot, in justice to their own feelings, refrain from observing the violation of known and universally received precepts, when sanctioned by the most powerful influence in Union cannot fail of having a

tendency to justify every species of breach of the laws made for the strict observance of the first day of the week, as set apart by the command of God for His more immediate service. Blakely, p. 61

Blakely comments upon this petition as follows,

That is the real foundation of all Sunday-rest movements; though for clandestine purposes, reasons are often given of a very different nature, as, solicitude for the public health,—as though the people were so devoid of common sense as not to know enough to rest when they are tired, without being compelled to do so by law! Mr. Chief Justice Ruffin, of the Supreme Court of North Carolina, in the case of the State versus Williams, for Iredell, 403, said: "The truth is, that it offends us, not so much because it disturbs us in practicing for ourselves the religious duties, or enjoying the salutary repose of recreation, of that day, as that it is, in itself, a breach of God's law, and a violation of the party's own religious duty." Sabbath laws are the remnant of religious legislation; and it was only to appear to escape the fourth of incontrovertible arguments that such a shallow subterfuge as the "civil" sabbath was invented. Ibid.

On January 3 1812, Mr. Rhea, Chairman of the Committee on Post-Offices and Post-Roads, made it plain that there could be no alteration in the legislation requiring post offices and postal services to continue on Sunday. This was the first of a series of adverse decisions against similar petitioners. However, this did not reduce the number of petitions that were made. Indeed,

As the petitions increased and the demands of the clergy became more strenuous, the adverse reports were more decided. Again and again they refused to run the government according to the dictates of the ecclesiastical power; and, finally, when the question had been one of national interest, adverse petitions also coming in, and the best statesmen of the times opposing the "reform" movement, Senator Johnson wrote his celebrated reports which have received such general approbation. Blakely, *ibid.*

These reports were so well written, and treated the subject so thoroughly, that the movement was killed. Johnson would later become Vice-President of the United States.

The early petitions were presented by the Presbyterian Church, but they were resolutely rejected. However, the issue was obviously a very lively one. In 1815, again petitions came before the Postmaster-General and/or Congress. In the height of the controversy, Thomas Jefferson, then former President of the United States, wrote to Francis W. Gilmer, June 7 1816,

Our legislators are not sufficiently apprised of the rightful limits of their power; that *their true office is to declare and enforce only our natural rights and duties, and to take none of them from us.* No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessities of the society; and this is all the law should enforce on him; and, no man having a natural right to be the judge between himself and another, it is his natural duty to submit to the umpirage of an impartial third. When the laws have declared and enforced all this, they have fulfilled their functions; and *the idea is quite unfounded, that on entering into society we give up any natural right.* Ibid., pp. 69, 70

The issue of postal services on Sunday emerged strongly again in the middle of the 1820s. The Second Session of the Eighteenth Congress, March 3 1825, reaffirmed that the postal services should be conducted on every day of the week. It is helpful in our understanding of religious liberty for us to investigate the reasons Richard Johnson gave for his opposition to legislation that would close the postal services on Sunday. Johnson pointed out that, while he had no doubt that the motives of the petitioners were pure, nevertheless, he referred them to the proceedings of a meeting at Salem, Massachusetts,

That the petitioners did not consider the ground they had taken as being purely that Sabbath was the day of rest; they assumed that it was such by a law of God.

Johnson made this perceptive statement.

. . . some denominations consider one day the most sacred, and some looked to another, and these petitions did, in fact, call upon Congress to settle what was the law of God. The Committee has framed their report upon policy and expediency. It was but the first step taken, that they were to legislate upon religious grounds, and it made no sort of difference which was the day asked to be set apart, which day was to be considered sacred, whether it was the first day or the seventh, the principle was wrong. It was upon this ground that the Committee went in making their report. Blakely, pp. 87, 88

Here are some of the reasons Richard Johnson gave for the position of Congress in refusing to designate Sunday as a day for the cessation of the postal service:

(1) While agreeing that it was widely accepted that one day in seven was necessary for citizens to refresh and rest (a principle not only sanctioned by Christians but also by non-Christians), he also acknowledged that most Christians chose Sunday as that day that was set apart for the purpose of rest. But he said,

The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy. Ibid., p. 90

(2) Johnson declared that Congress was aware of a variety of sentiments existing among the good citizens of the nation on the subject of what was the Sabbath day. He pointed out that the Jews were provided by the Constitution the same freedom as the Christians and entitled to the same protection from the law.

The Jews, who in this country are as free as Christians, and entitled to the same protection from the laws, derive their obligation to keep the Sabbath day from the fourth commandment of their decalogue, and in conformity with that injunction pay religious homage to the seventh day of the week, which we call Saturday. Ibid., p. 91

Then Johnson pointed out that one Christian denomination, also known for their piety, agree with the Jews on the moral obligation to keep the seventh-day Sabbath and to observe the same. It is most likely he was referring to the Seventh Day Baptist Church, for, as of the time of his presentation, other now-known sabbatarian churches, such as the Seventh-day Adventists, the Church of God Seventh Day, and the World-wide Church of God, had not been established.

(3) Johnson warned against enforcement of the beliefs of the majority Sunday keepers, pointing out that the Jewish government which had enjoined the observance of the seventh day of the week, was a theocracy, and he hoped that the citizens of the United States would not willingly introduce a system of religious coercion into our civil institutions.

(4) He also admonished all to be careful watchers of other nations so that the United States did not follow their example in religious coercion, for,

It is not the legitimate province of the legislature to determine what religion is true, or what religion is false. Blakely, pp. 92, 93

(5) Johnson emphasized that the United States government is a civil and not a religious institution, reaffirming the time-honored principle:

Our Constitution recognizes in every person the right to choose his own religion, and to enjoy it freely without molestation. Whatever may be the religious sentiments of citizens, and however variant, they are alike entitled to protection from the government, so long as they do not invade the rights of others. The transportation of the mail on the first day of the week, it is believed, does not interfere with the rights of conscience. *The petitioners for its discontinuance appear to be actuated by a religious zeal, which may be commendable if confined to its proper sphere; but they assume a position better suited to an ecclesiastical than a civil institution.* They appear in many instances to lay it down as an axiom that the practice is a violation of the law of God. Should Congress in legislative capacity adopt this sentiment, it would establish the principle that the legislature is a proper tribunal to determine what are the laws of God. It would involve a legislative decision on a religious controversy, and on a point on which good citizens may honestly differ in opinion, without disturbing the peace of society or endangering its liberties. If this principle is once introduced it will be impossible to defend its bounds.

Johnson followed with a very profound statement,

Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered but for the violation of what government denominated the law of God. To prevent a similar train of evil in this country, the Constitution has wisely withheld from our government the power of defining the divine law. Blakely, pp. 93–95

(6) Johnson then stated,

Under the present regulation of the Post-Office Department the rights of conscience are not invaded. Every agent enters voluntarily, and it is presumed conscientiously, into the discharge of his duties, without intermeddling with the conscience of another. Post offices are so regulated that but a small proportion of the first day of the week is required to be occupied in official business. In the transportation of the mail on that day, not one agent is employed many hours. Religious persons enter into the business without violating their own conscience or imposing any restraints upon others. Passengers in the mail stages are free to rest during the first day of the week, or to pursue their journeys at their own pleasure. While the mail is transported on Saturday, the Jew and the Sabbatarian may abstain from any agency in carrying it, on conscientious scruples. While it is transported on the first day of the week, another class may abstain, from the same religious scruples. The obligation of government is the same on both these classes; and the committee can discover *no principle on which the claims of one should be more respected than those of the other;* unless it be admitted that the conscience of the minority are less sacred than those of the majority. Ibid., pp. 95, 96

It will be seen here that Johnson was concerned for the protection of the rights of the minority. The majority normally require no such protection.

(7) Quoting the opinion of the committee, Johnson said that they had come to the conclusion that the continuation of postal services on Sunday was an expediency irrespective of religious bearing.

(8) Johnson also explained that if mail coaches were not permitted to carry mail on Sunday, then those who were travelling by coach would be forced to stay over a day wherever the mail coach stopped before continuing their journey. Johnson thus drew the following conclusion,

If the principle is once established that religion, or religious observances, shall be interwoven with our legislative acts, we must pursue it to its ultimate. We shall, if consistent, provide for the erection of edifices for worship of the

Creator, and for the support of Christian ministers, if we believe such measures will promote the interest of Christianity. Blakely, p. 98

(9) Johnson pointed out that,

to legislate even one act which involved the decision of a religious controversy would be to pass legitimate bounds of Congress. The mistake that had been made consistently in the Old World. Ibid., p. 100

Finally, Johnson urged that the Constitution recognized no other power than that of persuasion for enforcing religious observances, and he gave counsel to those who were of a deeply religious conviction, suggesting that their moral influence will do infinitely more to advance the interests of their religion than any measure that could be enacted by Congress.

A submission to the Senate January 19 1829, ended with the resolution that the committee be discharged from any further consideration of the subject. The Senate concurred.

On March 4 and 5, 1830, the reports of the Post-Offices and Post-Roads Committee were carried by Mr. Johnson to the House of Representatives. Here, in different language, he presented many of the same reasons that he had given to the Senate the year before. But here he made some stronger assertions. For example,

With the exception of the United States, the whole human race, consisting, it is supposed, of eight hundred million of rational beings [the estimated population of the earth in 1830], is in religious bondage; and, in reviewing the scenes of persecution which history everywhere presents, unless the committee could believe that the cries of the burning victim, in the flames by which he is consumed, bear to heaven a grateful incense, the conclusion is inevitable that the line cannot be too strongly drawn between church and state. Blakely, p. 111

Johnson further points out that it was a kiss by which Judas betrayed his divine Master. He stated that the Christian religion made its way into the world in opposition to all human government. Banishments, tortures, and death were inflicted in vain to stop its progress. But then Johnson correctly concludes,

But many of its professors, as soon as clothed with political power, lost the meek spirit which their creed inculcated, and began to inflict on other religions, and on dissenting sects of their own religion, persecution more aggravated than those which their own apostles had endured. Ibid., pp. 111, 112

In his presentation to the House of Representatives, Johnson reminded all that primitive Christians did not ask governments to recognize their observances, but to provide toleration and freedom from persecution. He provided the examples of the Protestants of Germany; the Huguenots of France, who asked toleration of their Catholic superiors; and the persecuted Catholics of Ireland that in that time asked toleration of their oppressors. Then he asked the question,

Do not all men in this country enjoy every religious right which martyrs and saints ever ask? Whence, then, the voice of complaint? Who is it that, in the full enjoyment of every principle which human law can secure, wishes to wrest a portion of these principles from his neighbor? Ibid., p. 116

Johnson followed with a series of questions.

Do the petitioners allege that they cannot conscientiously participate in the profits of the mail contracts and post-offices, because the mail is carried on Sunday? If this is the motive, then it is worldly gain which stimulates to action, and not virtue or religion. Do they complain that men less conscientious in relation to the Sabbath obtain advantages over them by receiving their letters and attending to their content? Still their motive is worldly and selfish. But if their motive be to induce Congress to sanction, by law, their *religious opinions* and *observances*, then their efforts ought to be restricted, as in their tendency fatal both to religious and political freedom. . . .

Why have the petitioners confined their prayers to the mails? Why have they not requested that the government be required to suspend *all* its executive functions on that day? Why do they not require us to enact that our ships shall not sail; that our army shall not march; that officers of justice shall not seize the suspected or guard the convicted; they seem to forget that government is as necessary on Sunday as on any other day of the week. The spirit of evil does not rest on that day. It is the government, ever active in its functions, which enables us all, even the petitioners, to worship in our churches in peace. Blakely, p. 117

Johnson concluded with an exhortation of the great blessings that come via the mail.

It is the duty of this government to afford *all*—to Jew or Gentile, Pagan or Christian, the protection and the advantages of our benignant institutions on *Sunday* as well as every day of the week. Although this government will not convert itself into an ecclesiastical tribunal, it will practice upon the maxim laid down by the founder of Christianity—that it is lawful to do *good* on the Sabbath day. *Ibid.*, p. 122

At the end of his presentation, it was resolved that the committee be discharged from the further consideration of the subject.

While here we have detailed the petitions that were made to Congress, we desire to add that it was not only by petition that some of the strong supporters of legislation to eliminate postal services from Sunday sought to enforce their convictions. The members of several religious denominations were prominent in demonstrations. For example, in Philadelphia, chains secured by padlocks were stretched across the streets on Sundays to prevent the passage of the mail coaches. However, the reasoning of Richard Johnson seems to have won general approval by 1830.

The authors also have not investigated how the decisions made there in the earlier part of the nineteenth century were changed, so that today there are no major postal services available to the public on Sunday, but that would make interesting research.

Chapter 19

The History of Sunday Legislation

PERHAPS the most persistent form of religious coercion and the amalgamation of church and state, is seen in the history of the development of Sunday legislation. We are indebted largely to material provided by Doctor A. H. Lewis, *Critical History of Sunday Legislation from 321 to 1888*, New York, D. Appleton & Company, 1888, as summarized in William Blakely, *American State Papers Bearing on Sunday Legislation*, 1891.

The first Sunday legislation to be introduced into the Christian Church was a product of the pagan conception, fully developed by the Romans, which made religion a department of the state. This enactment was diametrically opposed to the principles of true Christianity as enunciated in the New Testament by Christ and the Apostles. Such a situation could never have pertained in a pure and faithful church. Indeed, it did not find favor in most of the Christian church until Christianity had been deeply corrupted through the influence of gnosticism and other pagan errors. While it is proclaimed that the Emperor Constantine had accepted Christianity, the truth of which is doubted by many, at least there is no question that his thinking was still that of the pagan.

Constantine issued the first Sunday legislation by virtue of his power as Pontifex Maximus—the Supreme Pontiff (see chapter 11 entitled "The Development of Christian Persecution"). The concept of Pontifex Maximus can be traced back to ancient Babylon, but in Roman times it has its origin during the reign of Caesar Augustus from 23 b.c. to a.d. 14. This emperor was the Caesar of the incarnation of Jesus. During his long reign, he strengthened very greatly the power of the Roman Empire, and maintained a high level of peace. The Senate, in its desire to honor him, bestowed upon him the title of Pontifex Maximus. Thereafter, each Caesar and emperor of Rome, no matter how strong or weak his reign, took the title, until the reign of Emperor Justinian in the sixth century.

In the dying embers of the Roman Empire, Emperor Justinian invested the title of Pontifex Maximus upon the Bishop of Rome (the Pope), John II in 533. However, it was not until the overthrow of the Ostrogoths, three popes later, that Pope Vigilius in 538 was able to exercise the civil power invested in the title Pontifex Maximus. Thus Vigilius became the first pope to hold not only ecclesiastical power but also to exercise political power. Thus while Constantine inaugurated *state-church* union in the Christian world, the Bishop of Rome was able to reverse this order and establish *church-state* authority, with the emphasis upon the power of the church authority dominant over the state, rather than the state authority dominant over the church. Now returning to Constantine's Sunday Law, the pagan nature of the law is clearly noted in the fact that Constantine placed no Christian appellation upon the worship on the first day of the week, rather referring it to the "venerable day of the sun."

Let all judges and all city people and all tradesmen rest upon the venerable day of the sun. But let those dwelling in the country freely and with full liberty attend to the culture of their field; since it frequently happens that no other day is so fit for the sowing of grain or the planting of vines; hence, the favorable time should not be allowed to pass, lest the provisions of heaven be lost. Quoted in Blakely, p. 269

This was a difficult law for Christians, most of whom at that time were still seventh-day Sabbath keepers. It was difficult because Constantine had ended the terrible decade of persecution of Christians that had begun under Emperor Diocletian in the year 303. The Christians were greatly indebted to Constantine for their liberty, and when he confessed to have embraced Christianity their joys were even greater. Now they were in a particularly difficult situation. Constantine had one goal, and that was to unite the empire that was now split strongly between pagans and Christians. He believed that a unified day of worship would go a long way toward reducing the tension between pagans and Christians.

Thus it was that many Christians, in order to honor the emperor and hopefully not to violate their conscience as Sabbath-keepers, entered into the practice of keeping holy two days of the week, the seventh and the first. Commonly, one day was chosen as a feast day and the other one as a fast day. But this practice was one of compromise. It is a principle of faith that when a false doctrine is given equal validity with one that is true, inevitably it is the error which prevails, for truth can never abide with error, while error happily associates with truth, for it makes the error all the more deceptive. Thus it was predictable that the Sunday worship of paganism would eventually supplant Sabbath-keeping enjoined by Scripture. History amply testifies to this result, a result which persists to our day. Soon Rome became the seat of those who advocated Sunday worship, proposing that it be the commemoration of the resurrection of Jesus. However, much of the rest of the western world advocated the seventh-day Sabbath as the primary day of worship, honoring the Creation of God as established in the words of Scripture. After the power of secular authority passed from the Roman Empire to Papal Rome there was a rapid increase in the enforcement of Sunday sacredness, to the disregard of Sabbath sacredness.

During the fourth to the sixth century, not only was the observance of Sunday, the pagan day of worship, incorporated into Christianity, but many other holidays, mostly pagan festivals, were "sanctified" with new names slightly modified and claiming to be Christian celebrations. Thus, in the seventh century, Spanish Christians accepted Sunday sacredness, as did also the English Christians except for a small minority who still believed in the biblical Sabbath. It was not until the twelfth century that the Welsh and the Scots were forced into Sunday observance.

In the thirteenth century, Marco Polo recorded Sabbath-keeping among the large group of Chinese Christians in the western regions of China. The Syrian Christians of India upheld Sabbath-keeping until the sixteenth century Portuguese Inquisition stamped it out. The Christians of Ethiopia continued their Sabbath-keeping into the seventeenth century. (B. G. Wilkinson, *Truth Triumphant*, Pacific Press, 1944)

During the Middle Ages, Sunday legislation took on a more Judaistic direction, claiming that, with analogy to the Jewish legislation in biblical times, civil authorities had the right to legislate in religious matters after the manner of the Jewish Theocracy. Thus, severe penalties were imposed on those who were not regular attenders at church on Sunday, including, in some circumstances, the death penalty.

The advent of the Reformation brought little change in civil legislation concerning Sunday sacredness and worship. For example, the English Reformation introduced a new theory and developed a distinct type of legislation. It was during this period that for the first time, the doctrine of the transfer of the fourth commandment to the first day of the week led consequently to legislation consistent with this theory. Thus, extensive theological treatises were written that were consistent with civil enactments.

The Sunday laws during the Colonial days in North America are the direct outgrowth of the Puritan legislation, notably of those laws that arose during the time of the Commonwealth in England under Oliver Cromwell. Thus, colonies such as Massachusetts and Virginia enforced very severe penalties upon those who failed to worship regularly in church on Sundays. After the Declaration of Independence and the establishment of the new nation of the United States, the

laws of colonial times were greatly modified. The whole tendency has been to set forth laws of a totally different character through the decisions of the courts.

In the Sunday law legislation of the Roman Empire, the religious element were wholly subordinate to that of the civil power. In the Middle Ages, and also under Cromwell as Lord Protector of England (1649–1658), and during the colonial period of American history, the church was supreme. After the amendments to the United States Constitution of the Bill of Rights in 1791, any form of Sunday law began to be challenged. Thus increasingly, claims were made that Sunday legislation is not based on religious grounds. Such argumentation was devised to maintain Sunday legislation by the power of the State without appearing to violate the First Amendment of the American Constitution. Some legislators and jurists were willing to accept such fragile arguments. However, other, more perceptive legislators and jurists strongly opposed such interpretations and recognized that any attempt to legislate a rest day for the first day of the week was indeed an effort to uphold a religious institution, something which was invalid in law based upon the Bill of Rights.

These claims for Sunday rest, based upon so-called secular reasoning, are clearly contradicted by the fact that for centuries every Sunday law sprang from a religious sentiment. Under Constantine's legislation, the day was to be "venerated" as a religious duty owed to the god of the sun. As the resurrection festival concept was gradually combined with the pagan practice, religious regard for the day was also demanded in honor of Christ's resurrection. In the Middle Ages, sacredness was claimed for Sunday because the Sabbath had been sacred under the legislation of the Jewish Theocracy. Sunday was held supremely sacred by the Puritans under the plea that the obligations imposed by the fourth commandment were transferred from the seventh-day Sabbath to the first-day, though no scriptural authority was found to sustain the change.

All these Sunday statutes enacted in the United States prohibited "worldly labor," and permitted only works of necessity and mercy on Sundays. There can be no valid meaning except as they are based upon religious foundations. Surely there can be no "worldly business" unless it is stated in contrast with religious obligation. Thus every Sunday law that has been enacted within the United States, and for that matter other countries of the world, is based upon the idea that it is wrong to do on Sunday the things prohibited in the fourth commandment. It must be acknowledged, then, that the theories men invent for the observance of Sunday on non-religious grounds have no logical value, unless it is understood that there is a covert religious motivation.

To claim that the present Sunday laws do not designate a day as a religious institution, is to deny every fact in the history relevant to such legislation. Any claim otherwise is surely a shallow subterfuge. If this were not so, advocates of a rest day would not focus exclusively upon Sunday. They might decide to offer Friday, the sacred day of the Muslims, as their proposed rest day. Or indeed they might choose a day that is sacred to no religion, such as Tuesday or Wednesday, to provide respite from labor in the middle of the week.

Religious observance legislation could not spring from Apostolic Christianity. Every element of New Testament Christianity forbade interference by the state in personal religious matters. Thus all basis for legislating religious practice has its roots in pagan practice. This is equally true for the observance of other religious days such as Christmas and Easter. We have cited the pagan

character of the first Sunday legislation because in that legislation, Sunday is mentioned only by its pagan name, "the venerable day of the sun."

In that legislation enacted by Constantine, there is no inference that the legislation has anything whatsoever to do with Christianity. There is no trace of the resurrection idea in the legislation. No reference is made to the fourth commandment of the Decalogue nor anything connected with it. The law was made for all the empire. It applied to every subject alike, Christian or pagan or nonbeliever.

The pagan mentality of Constantine can be deduced from the fact that on the day following the publication of the edict concerning Sunday observance, another edict was issued ordering that the haruspices (soothsayers who especially use the entrails of slain victims to deduce the will of the gods) be consulted in cases of public calamity. Surely this practice demonstrates the thoroughly pagan mentality of Constantine and the attitude the emperor still retained, together with the influences which controlled him.

According to Doctor Lewis, all Sunday legislation is the product of pagan Rome. The Saxon laws were the product of the Middle Age legislation of the "Holy Roman Empire." The English laws are an expansion of the Saxon, and the American are a transcript of the English laws. (As quoted in Blakely, p. 270)

Lewis correctly points out that the Sunday law issued under King Charles II of England in 1676 was the law of the American colonies up to the time of the Revolution, and so became the basis of the American Sunday laws. Charles II's law forbade any work whatsoever by tradesmen, laborers, and business men on the "Lord's Day" (Sunday). The penalty for those over the age of fourteen breaching the law was a fine of five shillings. The law also provided for the confiscation of any goods that a merchant was offering for sale on Sunday. Anyone who could not meet the financial penalties was to be set in public stocks for the space of two hours.

Let it be understood, notwithstanding the enactment of the First Amendment to the American Constitution, the concept of Sunday law and the effort to regard Sunday sacredness was so ingrained in the history of the American people that it seemed almost impossible for them to understand that such legislation should cease to be enacted or to be enforced in the new nation. Thus it was that the nineteenth century became a battleground for and against Sunday legislation.

Chapter 20

Sunday Laws in the United States in the Latter Part of the Nineteenth Century

BY 1890, most of the states of the United States had strong Sunday laws prohibiting secular labor on Sunday. It is amazing that one hundred years of dialogue and debate since the enactment of the first amendment of the Constitution had not convinced most American legislatures that any form of coerced Sunday observance, whatever the proffered reason, was wholly inconsistent with the Bill of Rights of the American Constitution.

In 1890, the only states which did not have Sunday laws were Arizona, California, and Idaho, three western states. It is amazing that almost all the other states enacted Sunday laws during the 1880s. It was at this time that strong religious groups, including such organizations as the Christian Women's Temperance Union, together with several religious organizations, fought vigorously to have Sunday laws enacted, in the expectation that such laws would greatly increase the moral and spiritual tone of the nation. Eventually, Senator Henry William Blair led the crusade for the enactment of a strong Sunday law.

In a letter to the *New York Mail & Express*, April 19 1890, Senator Blair expressed strong opinions concerning his conviction that the United States of America must maintain a government and a system of education that was distinctively Christian. In the letter he claimed that only a homogeneous people could be great. He claimed that no nation could exist with more than one language, one religion, and one general form of education for the masses of the people. He expressed the opinion that in a short period of time, Americans would demand that only the Christian religion be retained in America. He said,

I do not believe that it is possible that the American nation will develop in the direction of toleration of all religions—that is, so called religions. Whether the general public conviction shall be right or wrong, I yet believe that instead of selecting and finally tolerating all so-called religions, the American people will, by constant and irresistible pressure, gradually expel from our geographical boundaries every religion except the Christian in its valid forms. *New York Mail & Express*, April 19, 1890, quoted in William Blakely, *American State Papers Bearing on Sunday Legislation*

Senator Blair's convictions formed the basis of his crusade to institute a national Sunday law that would prohibit all citizens of the nation from any form of work, commerce, or other secular pursuits on the first day of the week. His proposed Sunday legislation led to vigorous, and often bitter debate.

The proposed legislation was especially repugnant to Sabbatarian groups in the United States. The opposition to the proposed legislation was led by a Seventh-day Adventist minister, Professor Alonzo Jones. Jones, a thorough student of history, proved more than a match for the senator. Jones' powerful and persuasive arguments eventually won the day, and the strong thrust for the introduction of a national Sunday law was derailed.

The defeat of the national Sunday bill did much to weaken the hand of the states who had previously legislated prohibitions on certain secular activities on Sunday. However, this was not before significant numbers of American citizens had been imprisoned or fined for carrying out secular work and other activities on the first day of the week. An example of the tragic consequences of Sunday legislation is offered in a speech delivered by Senator Robert H. Crockett, grandson of David Crockett, the famous frontier man who opened up great stretches of the western part of the United States, including the territory of Arkansas. Speaking before the

State Senate of Arkansas in 1887, Senator Crockett supported a bill introduced into the legislature that would grant immunity to Sabbatarians from the penalties inflicted for working upon Sunday. In his famous address, he spoke in glowing terms of the pioneers who opened up the territory of Arkansas through hard labor and honest toil, and who had cleared the land, raised up industries, and begun to make the state prosperous. He spoke of his tour through the northwest of the state, lecturing and seeking to increase the immigration to that part of Arkansas. As a result of his and others' efforts, he said,

Many came and settled up our wild lands and prairies, and where but a few years ago we heard in the stillness of the night the howl of the wolf, the scream of the panther, and the wail of the wildcat, these people for whom I am pleading, came and settled. . . . Instead of the savage sounds incident to the wilderness, now are heard the tap, tap, tap of the mechanics hammer, the rattle and roar of the railroad, the busy hum of industry, and softer, sweeter far than all these, is heard the music of the church bells as they ring in silvery chimes across the prairies and valleys, and are echoed back from the hill-side throughout the borders of our whole state. Blakely, p. 210, 211

And then Senator Crockett presented his plea for the sabbatarians.

These people are, many of them, Seventh-day Adventists and Seventh-day Baptists. They are people who religiously and conscientiously keep Saturday, the seventh day, as the Sabbath, in accordance with the fourth commandment. They find no authority in the Scripture for keeping Sunday, the first day of the week, nor can anyone else. All commentators agree that Saturday is and was the Scriptural Sabbath, and that the keeping of Sunday, the first day of the week, as the Sabbath, is of human origin, and not by Divine injunction. The Catholic writers and all theologians agree in this.

These people understand the decalogue to be fully as binding upon them today as when handed down amid the thunders of Sinai. They do not feel at liberty to abstain from their usual avocations, because they read the commandment, "six days shalt thou labor," as mandatory and they believe that they have no more right to abstain from labor on the first day of the week than they have to neglect the observance of Saturday as their Sabbath. They agree with their Christian brethren of other denominations in all essential points of doctrine, the one great difference being upon the day to be kept as the Sabbath. They follow no avocations tending to demoralize the community in which they live. They come among us expecting the same protection in the exercise of their religious faith as is accorded to them in the states of Europe, in South Africa, Australia, the Sandwich Islands [Hawaiian Islands], and every State of the Union except, alas! that I should say it, Arkansas! Sir, under the existing law, there have been in Arkansas within the last two years, three times as many cases of persecution for conscience's sake as there have been in all the other States combined since the adoption of our national Constitution. Blakely, p. 211, 212

Senator Crockett then offered tragic examples of religious persecution in the courts of Arkansas. In his own words, here is an example.

Let me, sir, illustrate the operation of the present law by one or two examples. A Mr. Swearingen came from a Northern State and settled a farm in Benton county. His farm was four miles from town, and far away from any house of religious worship. He was a member of the Seventh-day Adventist Church, and after having sacredly observed the Sabbath of his people (Saturday) by abstaining from all secular work, he and his son, a lad of seventeen, on the first day of the week went quietly about their usual avocations. They disturbed no one—interfered with the rights of no one. But they were observed, and reported to the grand jury—indicted, arrested, tried, convicted, fined; and having no money to pay the fine, these moral Christian citizens of Arkansas were dragged to the county jail and imprisoned like felons for twenty-five days—and for what? For daring in this so called land of liberty, in the year of our Lord 1887, to worship God!

Was this the end of the story? Alas, no, sir! They were turned out; and the old man's only horse, his sole reliance to make bread for his children, was levied on to pay the fine and costs, amounting to thirty-eight dollars. The horse sold at auction for twenty-seven dollars. A few days afterwards the sheriff came again and demanded thirty-six

dollars—eleven dollars balance due on fine and costs and twenty-five dollars for board for himself and son while in jail. And when the poor old man—a Christian, mind you—told him with tears that he had no money, he promptly levied on his only cow, but was persuaded to accept bond, and the amount was paid by contributions from his friends of the same faith. Sir, my hearts swells to bursting with indignation as I repeat to you this infamous story. Quoted in *ibid.*, p. 212, 213

Concluding his plea for Sabbatarians and the passage of the bill that would exempt Sabbatarians from the Sunday laws of 1885, he said,

On next Monday, at Malvern, six as honest, good, and virtuous citizens as live in Arkansas are to be tried as criminals for daring to worship God in accordance with the dictates of their own consciences, for exercising a right which this government, under the Constitution, has no power to abridge. Sir, I plead, in the name of justice, in the name of our republican institutions, in the name of these inoffensive, God-fearing, God-serving people, our fellow citizens, and last, sir, in the name of Arkansas, I plead that this bill may pass, and this one foul blot be wiped from the escutcheon of our glorious commonwealth. Quoted in Blakely, p. 213

Senator Crockett's plea found favor with the Arkansas senators and the Sunday law of 1885 was repealed.

William Blakely provided brief accounts of others who suffered in other states of the Union, including Tennessee, Georgia, Massachusetts, and Pennsylvania. He details one case where a Sabbath keeper died due to fever he contracted from the unsanitary conditions in the prison.

It is a sober reality that such violations of individual conscience are again returning to the United States. Vigilance in the light of past history is the only hope for freedom. The majority opinion in *Smith vs. the State of Oregon* (detailed in chapter 7 entitled "Erosion of the First Amendment") has greatly limited the protection under the first amendment. The July 2 1997 Supreme Court decision which cut down the Religious Freedom Restoration Act, emphatically demonstrated the Court's determination to limit religious freedom under the first amendment.

Chapter 21

Judicial Confusion and Inconsistencies Regarding Sunday Laws

DURING the nineteenth century, both legislation and judicial findings vacillated between the concepts arising out of the understanding of common law predicated upon the Holy Scriptures on the one hand, and the First Amendment to the American Constitution on the other hand. Thus, legislators and courts enacted laws and handed down decisions that were frequently inconsistent with each other. Some legislators were greatly influenced by mainline churches, who fought fervently for "Christian laws" to be passed in legislatures and upheld in courts. At other times, secularists and minority religions succeeded in their efforts to encourage the legislatures and courts to uphold the intent of the First Amendment. Many legislators and jurists failed to differentiate between the theocratic government of Israel and Judah on the one hand, and the secular government of the United States of America on the other. A judgment by the Supreme Court of the State of Ohio, December 1849, offers some insights into this judicial confusion.

The case involved a transaction that had taken place between Preston Sellers and George Dugan on a Sunday. The plaintiff had not been paid for his sale of four hundred bushels of corn. But because the sale was made on a Sunday, the majority opinion held that no damages could be assessed in favor of the plaintiff. However, in a very well-reasoned dissenting opinion, Justice Caldwell saw the deeper implications in terms of the First Amendment to the American Constitution. Justice Caldwell wrote,

If an act, such as making a single contract on Sunday, that in its nature is not calculated to disturb the peace and quiet of the day, can be made the subject of legal supervision and penal enactment, it can only be on the ground that it is absurdly wrong, immoral. If the legislature can punish one act of this kind, they can another, and the power to persecute, to punish for whatever they may consider abstractly wrong, is unlimited. It is the glory of our country that the right of belief in any particular religious tenet without molestation on account thereof, is granted to every one; but this principle can only be preserved by extending it equally to the unbeliever. It is the same great indivisible principle that alike protects humanity, the birth-right of the whole, which each with equal reason may claim, should he believe any religious creed whatsoever; or should he disbelieve the whole. William Blakely, *American State Papers Bearing on Sunday Legislation*, 1890

Though in the minority in his opinion, Caldwell has well stated the case against any form of religious legislation or any punishment for peaceable acts that might be transacted on the day that the majority may hold as its sacred day of worship. The whole intent of the Bill of Rights was to protect the minorities in their religious practices and beliefs. Thus any act that in no way infringes the freedom of fellow citizens is protected under the Bill of Rights of the United States.

It is an alarming discovery to recognize that the First Amendment has been frequently violated during the history of the United States. It should also be of great concern to the citizens of this nation who are committed to the preservation of religious freedom, that many of these Sunday laws are still on the legislative books of states or counties. It is true that in most instances they are not being actively enforced. However, should it not be the determined effort of every citizen who avows the First Amendment to the Constitution, to work diligently to have such laws revoked? Only then can citizens be assured that such legislation will not be reactivated to punish otherwise peaceable and law abiding citizens. Of course, that these laws were revoked would not guarantee that in the future such Sunday laws would not be reenacted. It is essential that every succeeding generation be educated in the true freedom that the Constitution of the United States (or any other nation) provides, and the obligation that every citizen has to make sure that, in not the slightest way, that freedom be infringed.

In January 1850, the Supreme Court of Arkansas also upheld Sunday laws. This case involved a grocery store owner who kept his grocery open on the Sabbath [Sunday] day. Ignoring the full intent of the First Amendment of the Constitution, the justices again sought recourse in the arguments of common law.

The Christian religion is recognized as constituting part of the common law; its institutions are entitled to profound respect, and may well be protected by law.

The Sabbath [Sunday], properly called the Lord's Day, is amongst the first and most sacred institutions of Christianity, and the act for the punishment for Sabbath-breaking [Sunday-breaking] is not in derogation of the liberty of conscience secured to the citizens by the third section of the Declaration of Rights. . . .

Keeping a grocery door open on the Sabbath is a temptation to vice, and therefore criminal. Blakely, p. 146

What is amazing in the opinion rendered by Chief Justice Johnson, is his argument that the court was not violating the First Amendment of the Constitution. Here is a portion of the Justice's reasoning—

If the act is unauthorized by the Constitution, it must arise from the fact that it interferes with the rights of conscience which are secured by all the Declaration of Rights. A portion of those rights consists in a freedom to worship Almighty God according to the dictates of every one's conscience, and in not being compellable to attend, erect, or support, any place of worship, or to maintain any ministry against their consent. The acting question cannot, with any degree of propriety, be said to trench upon any one of the rights thus secured. By reserving to every individual the sacred and indefeasible rights of conscience, the convention most certainly did not intend to leave it in his power to do such acts as are civil in themselves and necessarily calculated to bring into contempt the most venerable and sacred institutions of the country. Sunday, or the Sabbath, is properly and emphatically called the Lord's Day, and is one amongst the first and most sacred institutions of the Christian religion. This system of religion is recognized as constituting a part and parcel of the common law, and as such all the institutions growing out of it, or in any way connected with it, in case they shall not be found to interfere with the rights of conscience, are entitled to the most profound respect, and can rightfully claim the protection of the law making power of the state. Quoted in Blakely, p. 147, 148

In this judgment can clearly be discerned the deep tension between the so-called common law and the First Amendment of the American Constitution. Surely few discerning citizens today would be satisfied with the Chief Justice's superficial reasoning in respect of the First Amendment. Indeed, all such Sunday laws are a direct infringement of the establishment clause of the First Amendment, for surely Sunday laws, when enacted, do indeed establish one religion at the expense of other forms of religion.

Of course, Arkansas was not alone in offering such reasoning in favor of Sunday laws. In the celebrated New York Supreme Court decision on Sunday laws in the nineteenth century, Mr. Justice Allen claimed,

In most states the [Sunday] legislation has been upheld by the courts and sustained by well-reasoned and able opinion. Quoted in *ibid.*, p. 146

Mr. Justice Allen too based his opinion concerning the constitutionality of Sunday laws upon the alleged fact that Christianity is a part of the common law. (See chapter 15 entitled "Common Law and Religious Freedom," which shows the fallacy of this argument.) Many other opinions rendered in the nineteenth century also depended upon the argument of common law for the basis of their decision to limit religious freedom.

By contrast with many other states, in April 1858, the Supreme Court of California held that Sunday laws were unconstitutional. The case involved a man by the name of Newman who had been convicted before a justice of the peace of the city of Sacramento for a violation of an act to provide for the better observance of the Sabbath. He was sentenced to pay a fine of fifty dollars and the cost of the prosecution—a further twenty dollars. In default he was to be imprisoned for thirty-five days. Failing to pay the fine, he was imprisoned. Newman, who was a Jew, was convicted of the sale of goods on Sunday. Upon his imprisonment he petitioned the court for a writ of *Habeas corpus* and asked to be discharged from imprisonment on the basis of the unconstitutionality of the law. Chief Justice Terry, rendering the majority opinion, ruled that the act of April 1858,

for the better observance of the Sabbath [Sunday], is in conflict with the first and fourth sections of article first of the Constitution of the State and is therefore void.

Terry argued,

The Constitution, when it forbids discriminational preference in religion, does not mean merely to guarantee toleration, but religious liberty in its largest sense, and a perfect equality without distinction between religious sects. The enforced observance of a day held sacred by one of these sects, is a discrimination in favor of that sect, and a violation of the religious freedom of the others. Quoted in Blakely, p. 166

Justice Terry emphatically emphasized that,

The governmental power only extends to restraining each one in the freedom of his conduct so as to secure perfect protection to all others from every species of danger to person, health, and property; that each individual shall be required so to use his own as not to inflict injury upon his neighbor; and these seem to be all the immunities which can be justly claimed by one portion of society from another, under a government of constitutional limitation. Quoted in *ibid.*

Justice Terry offered further reasoning for his judgment.

The act in question is in intention and effect a discrimination in favor of one religious profession over all others, and as such is a violation of the Constitution. Quoted in *ibid.*

Further reasoning by concurring Justice Burnett argued,

Our constitutional theory regards all religion, as such, as equally entitled to protection, and as equally unentitled to preference. When there is no ground of necessity upon which a principle can rest but a religious one, then the Constitution steps in and says that it shall not be enforced by authority of law. The Sunday law violates this provision of the Constitution, because it established as compulsory religious observance. It violates as much the religious freedom of the Christian as of the Jew. The principle is the same, whether the act compels us to do what we wish to do or what we wish not to do. If the legislature had the power to establish a day of compulsory rest, it has the right to select the particular day. The protection of the Constitution extends to every individual or to none. It is the individual that is intended to be protected. Every citizen has the right to vote and worship as he pleases, without having his motives impeached in any tribunal of the state. When the citizen is sought to be compelled by the legislature to do any affirmative religious act, or to refrain from doing anything because it violates simply a religious principle of observance, the act is unconstitutional. The constitutional question is a naked question of legislative power, and the inquiry as to the reasons which operate on the minds of members in voting for the measure, is wholly immaterial. If section first of article first of the Constitution asserts a principle not susceptible of practical application then it may admit of a question whether any principle asserted in the Declaration of Rights can be the subject of judicial enforcement. And if such a position be true, that the right of property cannot be enforced by the court against an act of the legislator, a power is then conceded which renders the provisions of the other sections wholly inoperative. Quoted in Blakely, p. 166, 167

The authors heartily endorse the majority opinion in this California case and the validity of the reasons for this opinion. Such reasoning effectuates a complete withdrawal from the domination of common law principles and firmly instates the freedom principles of the First Amendment of the Bill of Rights. We urge the citizens of all nations to support and peaceably agitate this position by voice, pen, and vote.

Chapter 22

An Anglican Bishop's Support For Religious Freedom

In the seventeenth century, Doctor Jeremy Taylor, chaplain to King Charles I and Bishop of Down and Connor, published a book entitled *A Discourse of the Liberty of Prophesying shewing the unreasonableness of Prescribing to Other Men's Faith: And the Iniquity of Persecuting Differing Opinions*. In the edition of 1836, a long introductory essay was written by R. Cattermole, a fellow Anglican minister. Cattermole, with the advantage of hindsight, wrote:

The measure of freedom enjoyed in a country will always be in proportion to the diffusion of knowledge and virtue among the people. In the latter ages, therefore, of the degenerate Roman Empire, over which the mists of ignorance were settling with increasing density, and from which public virtue had fled, all remains of liberty became extinct. R. Cattermole, introductory essay in Jeremy Taylor's, *A Discourse of the Liberty of Prophesying*, p. ix

The only changes that could come in the Roman empire, Cattermole contended, were through the disruption of despotism and the development of more responsible governments. Insightfully, Cattermole wrote:

In a country, where religion is purely a political engine, as is the case in pagan Rome, toleration is impossible because under such circumstances treason and unconformity are identical. *Ibid.*, p. xi

In contrast, he wrote:

As long as the Christian church continued uncorrupted, the utmost forbearance and mildness toward the professors of heretical opinions, consistent with public order, appeared to have prevailed. With corruption came in persecution. The first example of intolerance on the part of Christians towards each other, appeared in the destructions occasioned by the followers of Arius, and by the other powerful sects which rose about the same time, or not long afterwards [fourth and fifth century, this would have also included the Donatists]. But whatever severities were recommended and put in practice by these schismatics, by the Iconoclasts, at a later period, or by the church, in its angry endeavors to crush the swarms of heresies by which its peace was assailed, the rage of persecution among Christians, in those times, always stopped short of the punishment of death. Cattermole, p. xii

Indeed, it is important to recognize that comparatively speaking, martyrdoms at the hands of fellow Christians were few before the thirteenth century. But the thirteenth century began one of the most ruthless assaults upon those who opposed the absolute authority of the Papacy. Thus Protestantism had its beginnings shortly after the increase of persecution, and unquestionably the success of the Protestant movement was significantly responsible for the very rapid escalation of martyrdom.

There seems no doubt that sixteenth century leaders such as Cranmer, Ridley, and Hooper were moving in the direction of more tolerance, if not liberty, for those who were non-conformists. But nevertheless, the common public seemed not ready for this liberality because of the centuries of papal thinking. Thus when Queen Mary came to the throne, during her short and cruel rule in support of Roman Catholicism, a majority of the population supported her strict discipline. We

cannot deny that considerable persecution existed during the latter part of the sixteenth and a major part of the seventeenth centuries under Protestant rule.

If a church, in the prosperous days of Elizabeth and James, maintained her prerogatives against the Puritans with the severity of a parent assailed by the unreasonable clamors of rebellious children, these Puritans, however bitterly they complained of the hardship of their own position, never denied, upon general principles, the right of the former to persecute it; then "their ardor for toleration was nothing more than impatience of individual suffering." *Ibid.* p. xv

When we study the thinking of the day, we can understand why the Puritans of Massachusetts were people of the persecution mind-set. After all, they had left England during the reign of James I. They had spent time in the Netherlands, and then in 1620 had made their way to the new world. Theirs had not been so much a cry for liberty as it was a cry to accept their theological position. There is little doubt that, had they obtained the ascendancy and the support of the monarch, they would have in turn become the persecutors. Indeed, we have all the evidence we need to support such a conclusion, from an examination of history of the Puritans in the new world.

As there developed many new religious groups, there was great hatred generated between them, as each saw the other as being heretical.

In the multiplication of sects that took place in the latter part of that period, and in the reign of the unhappy Charles, the animosity of each towards each other, equaled that which all in common bore toward the establishment. Each strove for the supremacy of its own opinions—none for an equal charitable toleration of all speculative tenets alike; and when the most numerous and powerful of the religious factions opposed to the Church of England, at last obtained the ascendancy, its members proved too clearly by their arrogance and persecuting spirit how little effect calamity, which softens and corrects the ways of individuals, has in diminishing the [hostility] and smoothing the aspirates of sects and parties. *Cattermole*, pp. xv, xvi

In his introductory essay, *Cattermole* sums up the thesis of the seventeenth century Jeremy Taylor. Taylor believed that the exact truth on minor matters of government could not be exactly determined, and has very little input in determining the behavior of men. Therefore he emphasized peace and charity as of great importance. However, Taylor did not see this freedom on minor matters of dogma as extending to fundamental biblical principles. Thus he proposed that the Confession of the Apostles' Creed should be accepted as a test of all orthodoxy, and the condition of union and communion with Christians. Unfortunately, in suggesting the Creed as a basis of unity, Taylor missed a fundamental principle of Protestantism, "that the Bible and the Bible only is our basis of faith and practice." But the credal concept was taken to the new world, and in 1680, the New England Confession of Faith was adopted. It had many of the same precepts as the European reformational confessions of faith. But such confessions of faith did not provide a clear platform for religious liberty.

Yet we must not overlook the tremendous contribution that Doctor Jeremy Taylor made in his landmark book in the seventeenth century. It is true that he did not comprehend liberty as we understand it today, but rather emphasized the need for toleration of the many different sects that were rising up out of the Protestant Reformation. There is no question that he believed that the Church of England had the truth, and he staunchly defended its basic tenets. In many ways his thinking was sacral, but it was that of an extraordinarily benevolent sacralist—a man who, while

strongly defending the positions of the Church of England, nevertheless thought to offer freedom from religious and civil persecution to those who chose to dissent from the Church of England.

His thesis is particularly extraordinary in that Dr. Taylor should write so persuasively on religious liberty, when it is realized that he was serving the Stuart kings. Charles I, son of the first Stuart, King James I, like his father, believed in the divine right of kings. Indeed, it was largely this belief that led to the events that culminated in his execution by beheading. After the establishment of the Commonwealth under Oliver Cromwell, Taylor was proscribed as a royalist, and found his way to a country area of Wales where he and his family resided through considerable privation. He eventually went to northern Ireland, where under the patronage of a nobleman, his circumstances were a little better.

It so happened that Doctor Taylor was visiting in London when the monarchy was reestablished under Charles II. This in many ways seemed fortuitous for Doctor Taylor, because he came to the new king's attention as a loyalist to the new king's father while he had been chaplain to the court. The new king created him bishop of Down and Conner, a diocese far from London where he had no firsthand acquaintance with the practices of Charles II. Indeed, if Charles II had followed the call for toleration by Bishop Taylor, Bunyan would not have spent many years in prison; John James would not have been hanged, drawn, and quartered; and others would not have had to flee to the new world in the hope of protection from persecution there.

Chapter 23

Contribution of the Baptists of England to the Cause of Liberty

THE history of the Baptists of England is one of spasmodic persecution. Long before the period of Cromwell's protectorate they had been persecuted, and after the reestablishment of the Monarchy they came under direct persecution again. In the time of the Commonwealth they exercised considerable influence in the cause of national affairs. These early Baptist writers wrote frequently on the subject of religious liberty as well as on their deep theological convictions.

Subsequently a society, the Hanserd Knollys Society for the publication of the works of early English and other Baptist writers, was founded. This society annually published essays and tracts by Baptist ministers in book form. In the year 1846, the Society published tracts on liberty of conscience and persecution, written during the period 1614 to 1661. This was from a time just after the middle of the reign of the first Stuart monarch, James I, to the beginning of the reign of Charles II, a period contemporary with the life work of Bishop Jeremy Taylor. One of the two honorary secretaries of the Hanserd Knollys Society, Edward Underhill in his advertisement for the book wrote,

In the prospectus of the Hanserd Knollys Society it was stated that "to the Baptists belong the honour of first asserting in this land [England], and of establishing on the immutable basis of just argument and Scripture rule, the

right of every man to worship God as conscience dictates, in submission only to the divine command. *Tracts on Liberty of Conscience*, 1614–1661, p. v ("Tracts")

The book claims to contain the earliest writing extant in the English language on the importance of liberty. Underhill points out that these first articulations were certainly the infant concepts of liberty, and that they were presented in "mild and gentle entreaties," but he then bewails the fact that,

Unfortunately it was unheeded, and soon spake in the whirlwind and the storm of contending armies and national convulsion. *Tracts*

However, he traces the much greater liberty in England by the middle of the nineteenth century through the Baptists, declaring that this liberty was—

The fruits of the humble, but noble and self-denying labors of these pioneers of the soul's freedom. They fell martyrs "for conscience's sake." *Ibid.*

The book contained an extraordinarily long historical introduction of over one hundred and thirty pages. Interestingly, the introduction addresses the historical events prior to the period of the seventeenth century under review, dealing with the reign of Henry VIII, Edward VI, and Queen Mary. It then offers seven essays, the first written in 1614 by Leonard Busher, a citizen of London, to King James I and the High Court of Parliament. His essay was entitled, "Religion and Peace, or a Plea for Liberty of Conscience." Very little is known about this man—he describes himself as a laboring man who, with others, was under persecution. But clearly he understood the original Greek of the New Testament and he had a knowledge of the Syriac version of the Scriptures. It would seem that Busher's treatise was a kindly essay on religious liberty, and one which had a significant influence upon King James I, for in his royal oration at the opening of Parliament in 1614, King James I said,

No state can evidence that any religion or heresy was ever extirpated by the sword, or by violence, nor have I ever judged it a way of planting the truth. An example of this I take where, when many rigorous counsels were propounded, Gamaliel stood up and advised, that "if that religion were of God, it would prosper: if of man it would finish of itself." *Ibid.*, p. vi, vii

Unfortunately, in spite of this noble declaration by the king, it is of the greatest regret that in his practice he did not follow these words. Busher claimed that,

We are more likely to have our eyes opened by oppression so that we embrace truth more out of necessity than choice. *Tracts*, p. x

Busher strongly argued that,

The only way to make a nation happy, and preserve the people in love, peace, and tranquility is to give liberty to all to serve God according as they are persuaded is most agreeable to his word: to speak, write, print peaceably and without molestation, in behalf of their several tenets and ways of worship, wholesome and pertinent laws being made, upon penalties, to restrain all kinds of vice or violence, all kinds of reproach, slander, or injury either by word or deed. *Ibid.*

For an introduction to this treatise, one Henry Burton especially addresses his words to the Presbyterians, whom he saw as persecutors of faithful dissenters. Burton declared,

A plea for liberty of conscience is no new doctrine; as old certainly as the blessed words of God himself, which gives us this immovable foundation thereof: That every man should be fully persuaded of the truth of that way, wherein he serves the Lord. *Ibid.*, p. xi

Burton, before the end of his appeal to the Presbyterians, became quite specific. He wrote,

I hope upon perusal thereof, you that are my brethren of the Presbyterian way, will abate much of your misguided eagerness in prosecuting your conscientious brethren. Consider, I beseech you, St. Paul before his conversion. He was as zealous, I make no question, as any of you, when he persecuted the saints and made havoc of the church, that is, of God's people congregated together, to worship and serve God; when he entered into every house, and drew out both men and women to put them to prison; when he breathed out threatenings and slaughters against the disciples of the Lord; when he procured letters of the high priest to go to Damascus, where, if he found any of that way, then the heretical way in his account, he might bring them down to Jerusalem; when he consented to Stephen's death. *Ibid.*, p. xii

In his actual treatise, Leonard Busher, in addressing "the High and Mighty King JAMES, by the grace of God King of Great Britain, France, and Ireland, and to the princely and right honorable Parliament," first acknowledged the king's and Parliament's strong stand for the religion in which they were born, but went on to point out that,

In all humility, therefore, I give you to understand, that no prince or people can possibly obtain that one true religion of the gospel which is acceptable to God by Jesus Christ, merely by birth. *Tracts*, p. 15

He then explained that all must be born again before they can become true Christians, and that is the only way that one true religion can be obtained. Busher explained that to use fire and sword to restrain princes and people,

is wholly against the mind and merciful law of Christ, dangerous both to king and state, a means to decrease the kingdom of Christ and a means to increase the kingdom of antichrist. *Ibid.*, p. 17

Busher denied that any king or bishop could command faith, for faith was the gift of God. Further, Busher understood the basic principles of the separation of church and state for he wrote,

Kings and magistrates are to rule temporal affairs by the sword of their temporal kingdoms, and bishops and ministers are to rule spiritual affairs by the word and Spirit of God, the sword of Christ's spiritual kingdom, and not to intermeddle one with another's authority, office and function. And it is a great shame for the bishops and ministers not to be able to rule in their church, without the assistance of the king and magistrate; yea, it is a great sign they are none of Christ's bishops and ministers. *Ibid.*

Busher presented seventeen reasons why religious persecution should be forbidden. It would not be possible to repeat them in full, but briefly they were as follows:

(1) Because Christ had not commanded any king, bishop, or minister to persecute the people;

(2) Because Christ had commanded His bishops and ministers to persuade princes and people to hear and believe the gospel;

(3) Because, through persecution, it will be certain that the ambassadors of Jesus may be persecuted, imprisoned, burned, hanged, or banished for delivering the message of their gracious Lord;

(4) Because we cannot have liberty of the gospel until there is no forcing of the conscience of men;

(5) Because Christ came into the world to save sinners and not to destroy them;

(6) Because it will be a poor example to those without Christianity;

(7) Because if persecution be not laid down and liberty of conscience set up, none of the Jews or other strangers will be convinced of the gospel;

(8) Where there is persecution in the land, those who have different beliefs from the king and rulers have to depart for some other land of freedom;

(9) Because of the persecution, the king and the state will have many dissemblers against the authority and office of the king and state;

(10) If all are forced to belong to one church, then indeed there will be many different religious beliefs within that church;

(11) If liberty is not set up, you may persecute the true Christians instead of the false ones;

(12) If Christian rules will not allow other Christians of different beliefs to practice and preach their faith, then how can we demand such toleration of non-Christian nations;

(13) When religion forces the conscience, then it becomes a religion against the will and a tyranny over the soul as well as over the body;

(14) If Protestants continue persecution, where are they more merciful than the Papists or the Turks?

(15) Because the king and Parliament would not willingly be forced against their consciences by the persecution of the Bishop of Rome and his princes, so also should they not force the Christians in their domain;

(16) By forcing the conscience, men and women are driven to the devil in their errors if that be heresy for which they are hanged and burned;

(17) Persecution of Christians by Christians justifies Papists and Jews persecuting Christians.

In examining these seventeen objections to persecution, a second tract was written by an unnamed author who was a member of Mr. Helwys's Baptist congregation. This group had been exiled to Holland and had returned to England sometime toward the end of 1611 or the beginning

of 1612. The basic thesis of his tract was that learned people usually err and resist the truth; that persecution is against the law of Jesus and against the profession and practice of famous princes; that persecution has been condemned by ancient and later writers, and above that, freedom in religion is not harmful to any nation, and it does not deprive kings of any of the power given them by God.

Manifestly, the early writers on liberty felt they had to give great attention to the role of the monarch, and believed it necessary to build the confidence of the king in the fact that multiple religions did not in any way weaken his regal powers, nor destabilize the nation's security.

In this tract of 1615, the author presented a seventy-six page dialogue between "Antichristian" and "Christian" and the "Indifferent Man." This dialogue is a fascinating effort to distinguish between loyalty to God and loyalty to man, that is, the principle of separation of church and state. In one part of the dialogue, Christian affirms wholeheartedly the oath of allegiance and loyalty to King James I. Antichristian objects by saying the oath was intended for Papists, and—

not for you. But Christian points out that the oath of allegiance was evident at the Parliamentary session of 1609, required all to present themselves at church and receive the Lord's supper according to the laws and statutes of England *Tracts*, p. 137, 138

Chapter 24

Further Contributions of the Baptists to the Cause of Religious Liberty

HAT impact the Baptist dialogue had on the thinking of the day is not plainly evaluated. However, the next tract was put out by a group of Baptists in 1620. There had been no session of the British Parliament called since 1614. In the time between 1614 and 1620, many Baptists had been severely persecuted, imprisoned, and had been subject to loss of goods, and in not a few cases, the loss of life—not because they were disloyal to the king, nor had they done any harm toward their fellow man, but because,

They did not assent to, nor practice in the worship of God, such things as they deemed contrary to, or unsanctioned by, His words. *Tracts on Liberty of Conscience*, 1614–1661 (*Tracts*)

In 1620, King James summoned the House of Lords and Commons, but not with the purpose of consideration of the domestic nags and grievances of his subjects. Indeed, he considered that there were sufficient laws concerning religion so that the intent of how to execute them was plain. The king declared,

The maintenance of religion stands in two points; (1) Persuasion, which must proceed. (2) Compulsion, which must follow; for as all the world cannot create a new creature, be it never so little, so that no law of man can make a good Christian in heart, without inward grace. Yet it is not enough to trust to a good cause, and let it go along. Likewise the busy puritans; do but see how busy they are to persuade the people. But God forbid that I should compel men's consciences, but leave them to the laws of the kingdom; for the rumor that is spread, that I should tolerate religion in respect of this match which hath been long entreated with Spain for my son, I profess I will do nothing therein which shall not be honorable, and for the good of religion. *Tracts*, 185, 186

The House of Commons saw that the king was wavering between toleration and effecting a strong stand against Roman Catholics and others who would not follow the established religion of the Church of England. But at this time the Parliament was not in a mood to offer any concessions to the Baptists. Yet an opponent of the Baptists said,

that at this time they have multitudes of disciples; that it was the custom to produce a great number of Scriptures to prove their doctrines and that they were in appearance more holy than those of the established church. *Ibid.*, p. 187

The 1620 appeal by the Baptists to the king, contained many of the general sentiments that were presented by Leonard Busher and the unnamed author of the 1615 tract. At this time the tract was addressed not only to King James and to the House of Lords and the House of Commons, but also to the Prince of Wales, Prince Charles, who became Charles I, a persecutor. Maybe this was because they sensed that King James was coming toward the end of his life, and they wanted the heir apparent to the throne to consider his stand on the issue of religious liberty. Of deep significance are the final words of this petition to the king and his counselors.

Calling the all-seeing God to witness, that we are your majesty's loyal subjects, not for fear only, but for conscience sake,

And then it was signed significantly,

Unjustly called Ana-Baptists

The authors desired to make it plain to the king that they thoroughly believed in their responsibility to be loyal to the king, but that they were unjustly called Ana-Baptists. The word *anabaptist* means *rebaptiser*. The Ana-Baptists did not approve of this designation, because they believed there was only one true baptism and that was adult consent baptism by total immersion—often referred to as believers' baptism. They denied that infant sprinkling was baptism, and should one have been sprinkled in infancy, they did not account that as baptism. Therefore when, in adulthood, they accepted the Baptist faith, they believed it to be their first and only true baptism.

This 1620 petition was presented in the form of ten relatively short chapters that may be summarized as follows:

- (1) The rule of faith is the doctrine of the Holy Ghost contained in the sacred Scriptures, and not of any church, council, prince, or potentate, nor any mortal man whatsoever. (*Tracts*, 193)
- (2) The interpreter of this rule is the Scriptures, and the Spirit of God. (*Ibid.*, 197)
- (3) The Spirit of God is needed to understand and interpret the Scriptures. It is given to all and every particular person that fears and obeys God, and of what degree soever they be; and not to the wicked. (*Ibid.*, 199)
- (4) Those that fear and obey God, and so have the Spirit of God to search out and know the mind of God in the Scriptures, are commonly, and for the most part, the simple, poor, despised. (*Ibid.*, 200)

(5) The learned in human learning, do commonly and for the most part err, and know not the truth, but persecute the professors of it: and therefore are no further to be followed than we see them agree with truth. (Ibid., 205)

(6) Persecution because of conscience, is against the doctrine of Jesus Christ, King of kings. (Ibid., 214)

(7) Persecution because of conscience is against the profession and practice of famous princes. (Ibid., 216)

(8) Persecution because of conscience is condemned by the ancient and later writers, by Puritans and Papists. (Ibid, 218)

(9) It is no prejudice to the Commonwealth if freedom of religion was suffered, but would make it flourish. (Ibid., 224)

(10) Kings are not deprived of any power given them of God, when they maintain freedom for cause of conscience. (Ibid., 225)

The fourth tract was written by Samuel Richardson and presented in 1647, two years before the execution of the second Stuart, King Charles I, son of James I. His tract was entitled, "The Necessity of Toleration in Matters of Religion." Little is known about him but that he belonged to one of the seven Baptist churches in London. Later, Samuel Richardson was to write a passionate defense of Oliver Cromwell, the Lord Protector of England during the time of the Commonwealth after the execution of Charles I. Richardson's 1647 tract was written largely in summary points. For example, there were five points regarding the concept that religion ought to be free. On the issue of whether carnal punishment ought to be inflicted upon those who hold errors in religion, Richardson offered seventy questions, far too many to be recorded here. But among them were questions such as,

Whether carnal punishment can open blind eyes, and give light to dark understanding?

Whether carnal punishments can produce any more than a carnal repentance and obedience?

Whether the destroying of men's bodies for errors, be not a means to prevent their conversion; seeing some are not called until the eleventh hour, and if they should be cut off for their errors [at] the seventh, how should they come in?

Whether those who would force other men's consciences, be willing to have their own forced?

If a father or magistrate have not power to force a virgin to marry one she cannot love, whether they have power to force one where they cannot believe, against the light and checks of their own conscience?

Whether the Scripture makes a magistrate judge of our fate?

Whether if no civil law has been broken, the civil peace be hurt or no?

If no religion is to be practiced, but that which the Commonwealth shall approve on; what if they will approve of no religion?

Shall men have no religion at all?

From this small sample of his questions it can be seen how well-reasoned was this tract of Samuel Richardson. There can be no doubt that Richardson's arguments were not his alone, but were those of the development of understanding by the persecuted Baptists of the realm of England. These arguments are well worth keeping in mind today.

The fifth tract was written in 1660, immediately after the restoration of the Monarchy and the coronation of Charles II. It was entitled, "The Humble Petition and Representation of the Suffering of Several Peaceable and Innocent Subjects, called by the Name of Anabaptist, inhabitants of the county of Kent, and now Prisoner in the Gaol of *Maidstone*, for the testimony of a good conscience." The petition once again acknowledged that the king had authority and dignity in civil things and over all manner of persons, ecclesiastical and civil, within the king's dominion, while yet providing reasons meriting the king's protection and the civil and spiritual rights equal to that of his majesty's obedient subjects. It is well to note that during Cromwell's protectorate there was persecution of the Baptists, and that persecution continued under the reign of Charles II. We must recall the trials of John Bunyan and of John James as examples.

After the restoration of the Monarchy the twenty-ninth of May, 1660, a number of Baptist groups took the opportunity to place before the king their grievances. For example, on the twenty-sixth of July 1660, the messengers of the "good and peaceable people in Lincolnshire" were presented to his majesty. They talked of the terrible abuse they received and the threatening of being hanged for nothing more than praying to the Lord with their families. They talked about being beaten and stoned, and their meeting halls destroyed, and of imprisonment, of fines, and many other abuses. The petition from Lincolnshire was signed by thirty-six persons, but on behalf of many others. The king promised them that none should trouble them for their conscience in things pertaining to religion.

On the same day a presentation was made by the Baptists of London to the king. They likewise told of their loyalty and of their persecution. In August, the Baptist congregations in North Wales were ordered to be broken up. Their leader, Davasor Powell, a man of great integrity, was called—

"a seditious sectarist," and his people "restless and rebellious spirits, frequently meeting in private houses, neglecting the public place of the worship of God." *Tracts*, p. 294

The next month, September 1660, the House of Lords gave direction—

to suppress the Northamptonshire churches, and to prevent throughout the country their assembling for worship. *Ibid.*

It was in November of 1660 that John Bunyan was apprehended and thrown into the Bedford jail. In spite of the assurances of the king, nothing changed, and the Baptists were still under great persecution. Charles II's profligate life was not conducive to toleration. The prisoners' plea

was short, and there is no evidence that it made a significant impact upon the king's policy against the Baptists.

January 10, 1661, the Whitehall Council Board of London passed a strong enactment against Anabaptists, Quakers, and other groups, forbidding them to meet under any pretense of serving God, at unusual hours or in great number.

Tragically, the cause of the Baptists was dreadfully injured by an event seven days later. Under Thomas Venner, a small group of insurrectionists attacked in London. Immediately, six or seven of them were killed, Venner was captured, and the next day, because of this event, the declaration by the Whitehall Council Board was put into effect.

Many Anabaptists tried to explain that they had nothing to do with this uprising, and indeed almost every one who was involved in it was a supporter of infant "baptism." But still, some of the worst persecution against the Baptists took place following this riot. These events occurred prior to the actual coronation of Charles II, though after he had ascended to the throne.

In Newgate gaol alone, about four hundred Baptists were crowded in as prisoners. Mr. Vavasor Carl's home was violently broken into and he was imprisoned, as was another godly man, Mr. Hanserd Knollys. It was wrongly claimed that the Baptists had been strong supporters of Oliver Cromwell. But indeed there was great division among the Baptists as to their evaluation of the Protector of England prior to the restoration of the Monarchy.

Openly, on several occasions, they had stood in opposition to the public policy of the Protector. *Ibid.*, 318

It was at this time that a Mr. Stugion presented a pamphlet published at the end of March, 1661. John Stugion's appeal to the king was made on the basis that persecution has never really succeeded and had accomplished nothing to bring peace and harmony and unity to the realm.

The final leaflet published in this series of tracts on liberty of conscience was entitled, "Sion's groans for her distressed or sober endeavors to prevent innocent blood." This leaflet was also presented in 1661, and two names, that of a Mr. Jeffery and a Mr. Hammon, were also part of the petition that was made from the Maidstone Jail. Therefore, not surprisingly, some of the arguments made here are similar to those made in that petition. While few new arguments surfaced, this presentation is well documented with biblical references. Among the strongest arguments made, was one concerning the authority of the magistrates. It was argued that if magistrates had unlimited authority from God, then all magistrates in all nations would have the same power, so that if one lived in Turkey one must become a worshiper of Mohammed, if in Spain, a Papist, if in England, sometimes a Papist and sometimes a Protestant depending upon who the ruler was. Then the author said,

But God forbid, for nothing is more absurd. *Tracts*, 357

It was also pointed out that when the New Testament Scripture was written enjoining obedience to the magistrates, it was written at a time when the Romans ruled the world. If it had been intended that they should have authority over religious as well as civil matters, then obviously, all Christians should have been heathen. However, much of the emphasis in the leaflet is upon

the fact that Christ would never coerce anyone to be His follower or servant. The leaflet pointed out that at one time, Henry VIII had persecuted Protestants to death, and had written against Luther, for which the pope gave him the title of Defender of the Faith. Yet subsequently, Henry VIII was to receive some of Luther's doctrines and to reject the supremacy and authority of the pope, whereupon he then persecuted the Papists as he had formerly persecuted the Protestants. This surely was a strong argument against the absolute authority of the Monarchy in spiritual matters.

The authors also point out the up-and-down experiences of the popes during the Middle Ages. One pope countermanded the decrees of another. But it was deduced that if religious leaders were to be followed, the populace would have to change their religious persuasion every time there was a change in the fallible concepts of the spiritual leader.

There can be no doubt that, because of the heavy persecution of the Baptists in England during the early and middle part of the seventeenth century, they systematized and presented many unchallengeable arguments on the side of religious freedom. Unquestionably, they made a major contribution that led to the British Bill of Rights in 1689.

Chapter 25

Struggle for Religious Liberty by the Baptists in Virginia

IN 1900, Charles James, President of the Roanoke Female College in Danville, Virginia, former Pastor of the Culpeper Church of Virginia, published a book entitled *Documentary History of the Struggle for Religious Liberty in Virginia*. As in the seventeenth century in England, so in the eighteenth century in America, the Baptists, on the one hand were to be severely persecuted for their religious fidelity, and on the other hand were to play a key role in the ultimate fight for religious freedom. In the colony of Virginia, no doubt because of its Anglican heritage, nonconformists had an extraordinarily difficult time. Earlier the members of the Church of England had settled and established the Virginia Colony at Jamestown in 1607.

Following the pattern of England, the Church of England became the established church by a legal enactment, and the church was supported from the colony's coffers. As the established church, it was designed to be the only church recognized or legally permitted in the colony. This led to enactment of severe penalties to exclude all dissenting religions from practicing and proclaiming their faiths in the colony. Even after the Act of Toleration in England and the acceptance of the English Bill of Rights of 1689, there was little change in the role of the Church of England in Virginia.

Toward the end of the seventeenth century, a significant number of Presbyterians settled in Virginia. However, their influence was small for many years, and therefore attracted little attention or persecution. Nevertheless, as the numbers of Presbyterians increased in Virginia, it was considered prudent to forge some relationship with the authorities in Virginia. These

Presbyterians had immigrated from Ireland and Pennsylvania. In 1738, an agreement was entered into between the Presbyterian Synod of Philadelphia and the governor of Virginia, William Gooch. This permitted Presbyterian immigrants to occupy a portion of the Virginia colony which was considered to be frontier territory and to be protected by the Act of Toleration. Thus the governor gained the support of the Presbyterians in return for his extending the same freedom to worship as had been extended to the members of the Church of England in Virginia.

The Act of Toleration, however, was not an act of religious freedom. While it gave no official status to the Presbyterians, they were able nevertheless to worship according to the dictates of their conscience. (Charles James, *Documentary History of the Struggle for Religious Liberty in Virginia*, Da Capo Press, New York, 1971, Reprint p. 11, 12) (*James*)

No doubt because of Virginia's severe laws, the Baptists did not begin to settle there until the early part of the eighteenth century. The Baptists, with their insistence upon adult consent baptism by immersion, faced an entirely different situation from the Presbyterians. Also, because of their experience in England in the seventeenth century, the Baptists had a clear concept of the principles of true liberty which was in sharp conflict with the declared established church that they found in Virginia.

Like the Anglicans, the Presbyterians had come from that stream of the Reformation which had accepted similar sacral concepts to those that had dominated the Roman Catholic Church for many centuries. Their heritage allowed for the acceptance of an established church. It must be remembered that the Presbyterian Church became the established Church in Scotland. Therefore the Presbyterians would settle for toleration, whereas the Baptists were willing to settle for nothing less than complete freedom and equality in the exercise of their religious faith. Thus was established the ground for intense religious conflict. It was to lead to decades of severe persecution of the Baptists in Virginia.

As early as 1623, strict laws, that established worship according to the canons of the Church of England, were enacted in the Virginia colony. These included a forfeiture of one pound of tobacco for anyone who absented himself from religious worship without a reasonable excuse. If a period of one month went by without church attendance, the individual "at fault" forfeited fifty pounds of tobacco. If anything was said to disparage a minister which hurt the minister's reputation, the colonist was compelled to pay five hundred pounds of tobacco and to apologize publicly to the minister in the presence of the congregation. (*James*, pp. 17, 18)

In 1643, Virginia enacted a law which stated that only those were permitted to preach and teach, publicly or privately, whose beliefs conformed to those of the Church of England. (*Ibid.*)

After the restoration of the monarchy in England in 1661, these laws were strengthened. In 1662, the following act was passed,

Whereas many schismatical persons, out of their averseness to the orthodox established religion, or out of the new-fangled conceits of their own heretical inventions, refuse to have their children baptized; be it, therefore, enacted, by the authority aforesaid, that all persons that, in contempt of the divine sacrament of baptism, shall refuse, when they may carry their child to a lawful minister in that county to have them baptized, shall be assessed two thousand

pounds of tobacco, half to the informer, half to the public. (Foote, p. 34; Henning, vol. 2, pp. 165, 166, quoted in *James*, p. 19)

Whereas the more sacrally-minded Presbyterians were willing to petition under the Act of Toleration for the right to preach, the Baptists were not. They saw their right to preach as a commission from God, and not by permission of man. Thus was set the stage for the persecution of Baptist preachers and church members during the eighteenth century. As the Baptists increased significantly in numbers, so did the persecution, which reached its height within the decade prior to the Declaration of Independence. The Baptists were fighting for true freedom; the Presbyterians were willing to settle for toleration.

The history of the two religious groups accounts for the decided difference in the response of the two denominations. The first actual imprisonment of Baptist ministers for breach of the law took place in June 1768. Several Baptist ministers were seized in Spotsylvania County. They were offered release on the condition that they would agree to preach no more in the county for a year and a day. This they refused to do, and therefore were sent to prison. (*Ibid.*, p. 29)

Rapidly there followed many other incarcerations scattered over a wide number of counties in Virginia. As in England, the Baptists began to make petitions to the authorities asking for complete freedom to exercise their religion. The first petition was made May of 1770, but was rejected by the committee for religion. Other petitions followed. In February 1772, the Baptists received the first favorable action from the House. The House agreed to a resolution that gave the Baptists similar levels of toleration to the Quakers, Presbyterians, and other Protestant dissenters. (*James*, p. 34)

While still in his early twenties, James Madison, now residing back in his home in Virginia after studying at Princeton University, wrote strongly against the religious persecution that he recognized was taking place in the Virginia colony. His concepts of religious liberty were remarkably mature, and in a letter dated April 1 1774, Madison wrote to a friend from his university days at Princeton, these words,

That liberal, catholic, and equitable way of thinking, as to the rights of conscience, which is one of the characteristics of a free people, and so strongly marks a people of your province, is little known among the zealous adherents to our hierarchy. (Quoted in *ibid.*, p. 37)

It was Madison's conviction that the persecution leveled against the Baptists arose, not out of concern for religion or morality, but from considerations of self interest. (*Ibid.*, p. 37)

In 1774, the Presbyterians began to add their petitions to those of the Baptists—not for the goal of freedom to preach, but because their denomination was not incorporated in the colony of Virginia, and thus they were prohibited from receiving grants which some of their members and supporters desired to make to the work of the Presbyterian church. In spite of the favorable response in 1772, little was done in practice to free the Baptists in their earnest plea to exercise freedom to preach the gospel.

It is hard to overestimate the impact made by Patrick Henry's "Give me liberty or give me death" speech in St. John's Church, Richmond, March 20 1775, to the development of religious freedom that was to become a hallmark of the American Bill of Rights. Unquestionably, the concepts of Patrick Henry, James Madison, and Thomas Jefferson were to play the dominant role in bringing religious freedom not only to Virginia but to the emerging new nation.

Virginia became the first of the thirteen original States to recognize religious freedom, in article XVI of her Bill of Rights adopted June 12 1776. But the battle for full religious freedom, or as was sometimes called "soul liberty," received stern opposition lasting for years, and continued for another ten years when Jefferson's "Bill for establishing religious freedom" became the law of Virginia. (*James*, p. 10)

Contemporary America and, by extension, many other parts of the world must pay a great tribute to the eighteenth century Baptists for their determination to settle, not for toleration, but for no less than complete liberty. Many faithful preachers suffered imprisonment. The history of this period was stained with imprisonment, floggings, and martyrdom. But total victory was in sight when, in 1779, the Commonwealth of Virginia repealed the establishment status of the Anglican (now called Episcopal) Church. The bill finally passed December 13 1779. This bill cut the purse strings of the establishment, and thus the clergy could no longer look to support from taxes for their sustenance. However, they still retained possession of the rich glebes (church-grant lands), and enjoyed a monopoly of marriage fees and other privileges.

Jefferson fought hard for what was considered a most radical bill—the religious freedom bill. He was especially opposed by the Presbyterians. (*Ibid.*, p. 99) It was not until 1785 that the religious freedom bill was passed, at which time the Presbyterians eventually gave their support. There can be no question that the successful battle for religious freedom in Virginia was the foundation that led to the development and acceptance of the First Amendment to the American Constitution.

Chapter 26

The Jewish System of Justice

No trial in history displayed such an utter disregard for justice as did the trial of Jesus Christ. In order to convict Christ of a capital crime, it was found necessary to disregard every principle of the law. Since Christ was not only innocent of all crime, but had never committed a single sin, even of the least magnitude, it was understandable that such wholesale breaches of the judicial process were essential in order for the Sanhedrin to achieve its pre-ordained verdict of guilt.

For we have not an high priest which cannot be touched with the feeling of our infirmities; but was in all points tempted like as we are, yet without sin. Hebrews 4:15

Hereafter I will not talk much with you: for the prince of this world cometh, and hath nothing in me. John 14:30

The Roman governor, Pontius Pilate, was ultimately both judge and jury in the trial. It was Pontius Pilate who handed down the most disgraceful judgement in history, one unparalleled in the history of justice.

When the chief priests therefore and officers saw him, they cried out, saying, Crucify him, crucify him. Pilate saith unto them, Take ye him, and crucify him: for I find no fault in him. John 19:6

Many individuals have been falsely convicted of a crime. In many instances, the trial has been a sham and the outcome predetermined. But nowhere in history has a judge condemned a prisoner on the basis that he was entirely *innocent*. This unique basis for the sentence of execution against Christ belongs to Pilate alone. Not only did Pilate declare Christ to be innocent, and offered this fact as the only basis upon which he sentenced Christ to the crucifixion; but he had judged Christ as innocent at two previous points in the trial.

Pilate saith unto him, What is truth? And when he had said this, he went out again unto the Jews, and saith unto them, I find in him no fault at all. John 18:38

Pilate therefore went forth again, and saith unto them, Behold I bring him forth to you, that ye may know that I find no fault in him. Then Jesus came forth, wearing the crown of thorns, and the purple robe. And Pilate saith unto them, Behold the man! John 19:4, 5

Pilate had asked the rhetorical question,

What evil hath He done? Matthew 27:23

To this question the Jews could offer no valid response. Pilate well knew the precise reason the Jewish ecclesiastical leadership desired to have Christ put to death:

For he knew that for envy they had delivered him. Matthew 27:18

Yet despite this travesty of justice on the part of both Pilate and the Sanhedrin, the Jews possessed, at the time of Christ, arguably the most enlightened judicial system in the history of the human race.

Many assume that the system was harsh, and that the meting out of severe punishments was commonplace. This was not so. Much of the following information is derived from the work of Taylor G. Bunch, *Behold the Man*, Southern Publishing Association, 1946.

The Sanhedrin consisted of seventy men. This number was based upon the number of advisors Moses selected to assist him in judgement. (Numbers 11:16) It was this body which tried those charged with capital crimes, for the Sanhedrin was invested with legislative, judicial, and executive authority. The quorum was twenty-three. Conviction could only be effected if there was a minimum majority of two. Further, there was a unique requirement that at least one of the judges must find the accused innocent. No punishment was possible when the decision was unanimous. This provision was made in order to minimize the possibility of collusion. It was felt essential that the accused have at least one advocate among the judges. Each member of the Sanhedrin took a solemn oath before delivering his verdict. He vowed that his verdict was his true conviction. When faithfully followed, this measure was designed to prevent any member

falsely declaring a man innocent in order that the majority decision for conviction would be thus made valid.

The members of the Sanhedrin were selected from three categories of twenty-three members each—the priests, the scribes (rabbis), and the elders. The seventieth member was the High Priest. These three groups are cited in Scripture at the time of Christ’s arrest. The complement of seventy members was determined by the fact that at the time of Moses, God had appointed seventy elders to serve with Moses. (Exodus 24:1)

And immediately, while he yet spake, cometh Judas, one of the twelve, and with him a great multitude with swords and staves, *from the chief priests and the scribes and the elders*. . . . And they led Jesus away to the high priest: *and with him were assembled all the chief priests and the elders and the scribes*. Mark 14:43, 53

Luke also records these three groups of the Sanhedrin at the time of the trial.

And as soon as it was day, *the elders of the people and the chief priests and the scribes* came together, and led him into their council, saying, Art thou the Christ? tell us. And he said unto them, If I tell you, ye will not believe. Luke 22:66, 67

There were ten basic qualifications for the eligibility of membership. Each member of the Sanhedrin must be a Hebrew, learned in the law, and possessing judicial experience at lower levels (there were minor Sanhedrins of twenty-three members which tried non-capital offenses in every town of 120 males or more). The member was required also to be learned in science, a linguist, modest, pious but strong and courageous, devoid of physical defects, a qualified tradesman, and, finally, he was required to be married and to be a father. Such qualifications were thought to ensure that not only were the members of the Sanhedrin competent, but that they were also compassionate.

There were rigid rules concerning the arrest of a person. As these requirements and others are discussed, occasion will be taken to refer to Scripture in order to document the level to which many, if not all, of these requirements were breached in the trial of our Savior.

First of all, arrests were not permitted to be made during the period of darkness. Yet Jesus’ arrest was made during the prohibited hours of the night, for it is recorded that,

Judas then, having received a band of men and officers from the chief priests and Pharisees, cometh thither with lanterns and torches and weapons. John 18:3

When I was daily with you in the temple, ye stretched forth no hands against me: but this is your hour, and the power of darkness. Luke 22:53

The Sanhedrin was expected to adhere to the following Scriptural injunction,

Thou shalt not go up and down as a talebearer among thy people: neither shalt thou stand against the blood of thy neighbour: I am the Lord. Thou shalt not hate thy brother in thine heart: thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him. Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself: I am the Lord. Leviticus 19:16–18

Based upon this passage, the involvement of an accomplice in the judicial process was prohibited. In today's terms, no accomplice could turn state witness. Today, many do this in order to selfishly seek a lighter sentence for themselves, while ensuring the conviction of, or a harsher sentence for, their erstwhile "friends." In times of religious persecution, such procedures are commonplace. Former fellow believers will become the witnesses against their brethren.

And then shall many be offended, and shall betray one another, and shall hate one another. Matthew 24:10

Even loved ones will turn state witnesses.

Now the brother shall betray the brother to death, and the father the son; and children shall rise up against their parents, and shall cause them to be put to death. Mark 13:12

The Jews rightly prohibited such treachery, a policy modern judicial systems would do well to emulate, yet the members of the Sanhedrin gladly used one of Christ's disciples to assist them in effecting His arrest, quite contrary to their own principles.

Bribery was also strictly forbidden.

For I know your manifold transgressions and your mighty sins: they afflict the just, they take a bribe, and they turn aside the poor in the gate from their right. Amos 5:12

Yet the bribing of Judas by the leaders of the Jews was openly demonstrated.

Then Judas, which had betrayed him, when he saw that he was condemned, repented himself, and brought again the thirty pieces of silver to the chief priests and elders, saying, I have sinned in that I have betrayed the innocent blood. And they said, What is that to us? see thou to that. And he cast down the pieces of silver in the temple, and departed, and went and hanged himself. Matthew 27:3-5

In this action, those false ecclesiastical leaders forfeited their hope of eternal life.

He that walketh righteously, and speaketh uprightly; he that despiseth the gain of oppressions, that shaketh his hands from holding of bribes, that stoppeth his ears from hearing of blood, and shutteth his eyes from seeing evil; He shall dwell on high: his place of defence shall be the munitions of rocks: bread shall be given him; his waters shall be sure. Isaiah 33:15, 16

No arrest had legal status unless it was followed by a legal trial. Since Christ's trial evidenced the ultimate in illegality, His arrest was quite improper. Further, it was illegal to bind an unconvicted man.

Then the band and the captain and officers of the Jews took Jesus, and bound him. John 18:12

Another prohibition was the holding of any hearings prior to the trial, yet Christ was subjected to such a pre-trial hearing before Annas.

Then the band and the captain and officers of the Jews took Jesus, and bound him, and led him away to Annas first: for he was father in law to Caiaphas, which was the high priest that same year. John 18:12, 13

Further, quite properly, no punishment was permitted prior to conviction, yet Christ was assaulted during the preliminary inquiry before Annas.

And when he had thus spoken, one of the officers which stood by struck Jesus with the palm of his hand, saying, Answerest thou the high priest so? John 18:22

The Hebrew system of justice differed markedly in the matters of prosecution and defense. Lawyers were not employed for these functions. The witnesses assumed the role of present-day prosecutors, and the members of the Sanhedrin conducted the defense. Such a system, if followed scrupulously, would have provided an experienced group of defense attorneys of high quality, a situation not always evident in the defense of the poor and indigent today. Further, it would have predisposed the members of the Sanhedrin to be compassionate when they altered their roles from defense lawyers to judges. It is little wonder, then, that the Mishna declared that if one individual was condemned to death every seven years, it was a "slaughterhouse," and even one execution in seventy years may be so described. Yet the trial of Christ was marked by the members of the Sanhedrin acting in the role of prosecutors themselves, and thus depriving Him of any defense assistance. The requirement that the judges should lean on the side of the defendant was totally abnegated.

In respect of witnesses, it was mandatory that a minimum of two be present, and that their testimony agree. False witnesses imperiled themselves. If convicted of an act of perjury, they were sentenced to the very penalty that had been sought against the accused. This law naturally daunted many evil men who would otherwise have sought to betray their fellow men. But in Christ's trial, the Jewish leaders themselves diligently sought to find false witnesses—a shameful breach of the law. Mark records this vile betrayal of justice:

And the chief priests and all the council sought for witness against Jesus to put him to death; and found none. For many bare false witness against him, but their witness agreed not together. And there arose certain, and bare false witness against him, saying, We heard him say, I will destroy this temple that is made with hands, and within three days I will build another made without hands. But neither so did their witness agree together. Mark 14:55–59

The failure to produce genuine witnesses who were in agreement as to the salient facts should have nullified the trial.

Jewish law stated that a prisoner's own confession of guilt was inadmissible as evidence in his trial. What an enlightened law this was! Today, many a prisoner is convicted largely on his own confession, which has been extracted by various forms of coercion, including physical torture or psychological techniques.

One short passage in the gospel of Mark documents a number of breaches in these noble laws.

And the high priest stood up in the midst, and asked Jesus saying, Answerest thou nothing? what is it which these witness against thee? But he held his peace, and answered nothing. Again the high priest asked him, and said unto him, Art thou the Christ, the Son of the Blessed? And Jesus said, I am: and ye shall see the Son of man sitting on the right hand of power, and coming in the clouds of heaven. Then the high priest rent his clothes, and saith, What need we any further witnesses? Ye have heard the blasphemy: what think ye? And they all condemned him to be guilty of death. Mark 14:60–64

The following conclusions may be drawn from the above passage:

1. Christ was convicted of "blasphemy" on His own admission. Such "confession," even of a crime meriting punishment, was totally inadmissible evidence. Yet Caiaphas declared,

What need we any further witnesses? Ye have heard the blasphemy [Christ's confession that He was the Son of the Blessed]. Mark 14:63, 64

2. The high priest rent his clothes. It was a capital offense for a high priest to deliberately tear his raiment.

And Moses said unto Aaron, and unto Eleazar and unto Ithamar, his sons, Uncover not your heads, neither rend your clothes; lest ye die, and lest wrath come upon all the people: but let your brethren, the whole house of Israel, bewail the burning which the Lord hath kindled. Leviticus 10:6

Thus, it was Caiaphas, not Christ, who merited death under the law.

3. The guilty decision was unanimous.

They *all* condemned him to be guilty of death. Mark 14:64, emphasis added

As stated earlier, Jewish law declared that no one could be convicted by an unanimous vote.

4. The condemnation of death was determined within a single day. Jewish law demanded a protracted procedure before the sentence of death could become final. Such a sentence could not be passed until the second afternoon of a trial. For this reason, no trial was permitted to be commenced on the Friday according to Jewish law, for that would entail the completion of the trial during the hours of the Holy Sabbath day. There was precisely laid down a procedure to be followed if a conviction was reached on the first day of the trial. The judges were directed into groups of five or six in order to discuss the decision. Following these discussions, they were dismissed, but required to walk to their homes two by two, arm in arm, searching for any grounds to declare the convicted one innocent. Upon the second day, they were required to pray and fast. Then a second vote was taken. Any judge who had voted the accused innocent on the previous day was forbidden to reverse his vote, but those who had voted guilty the previous day were at liberty to alter their vote.

The final decision was set down for sunset on the second day. If the judges confirmed their previous decision of guilt, the prisoner was then led away to be executed.

But even then, not all hope for the prisoner was extinct. A man was sent forth on horseback carrying a banner which publicly sought from the crowd which followed the prisoner to his place of execution, any evidence of innocence which they could supply.

Christ's short trial deprived Him of all these strenuous efforts to proclaim His innocence, to which, by law, He was entitled.

5. There was a specific form of balloting which was required. The most junior members of the Sanhedrin were required to cast their votes first, lest they be influenced by the votes of the more senior members. In Christ's conviction, this method of balloting was set aside. Caiaphas simply put the question to the members of the Sanhedrin as a whole, and they replied orally, apparently in near unison.

What think ye? They answered and said, He is guilty of death. Matthew 26:66

Another matter requires examination. Judges were strictly forbidden to originate charges. This requirement is a self-evident element of justice. Yet, on at least three occasions *prior* to Christ's trial, the Sanhedrin had discussed ploys to convict Christ.

Then came the officers to the chief priests and Pharisees; and they said unto them, Why have ye not brought him? The officers answered, Never man spake like this man. Then answered them the Pharisees, Are ye also deceived? Have any of the rulers or of the Pharisees believed on him? But this people who knoweth not the law are cursed. Nicodemus saith unto them, (he that came to Jesus by night, being one of them,) Doth our law judge any man, before it hear him, and know what he doeth? They answered and said unto him, Art thou also of Galilee? Search, and look: for out of Galilee ariseth no prophet. And every man went unto his own house. John 7:45–53

Then gathered the chief priests and the Pharisees a council, and said, What do we? for this man doeth many miracles. If we let him thus alone, all men will believe on him: and the Romans shall come and take away both our place and nation. And one of them, named Caiaphas, being the high priest that same year, said unto them, Ye know nothing at all, nor consider that it is expedient for us, that one man should die for the people, and that the whole nation perish not. And this spake he not of himself: but being high priest that year, he prophesied that Jesus should die for that nation; and not for that nation only, but that also he should gather together in one the children of God that were scattered abroad. Then from that day forth they took counsel together for to put him to death. John 11:47–53

Now the feast of unleavened bread drew nigh, which is called the Passover. And the chief priests and scribes sought how they might kill him; for they feared the people. Luke 22:1, 2

Manifestly, in Christ's trial, the judges were also schemers against His person. That entire evidence finds them totally lacking in impartiality. Bias was written on their every action. Since the members of the Sanhedrin were charged with the responsibility to act as Christ's defense counsels as well as His judge, there was no possibility of His acquittal.

As set forth in Jewish law, the Hebrew judicial system displayed a level of justice unparalleled in history. As implemented in the trial of Christ, this same system reached a level of injustice so debased and vile that it has never been equalled by even the least just, totalitarian nations of this world.

The trial and conviction of Christ by ecclesiastical judges indicates that level of injustice meted out, when prelates, priests, and clergymen, unsanctified of heart, possess hatred against those who serve Christ with the entire heart and refuse to submit to unscriptural demands enacted by religious leaders.

In view of this fact, the words of Jesus are pregnant with meaning for His faithful children today.

Remember the word that I said unto you, The servant is not greater than his lord. If they have persecuted me, they will also persecute you. John 15:20.

Thus have the opponents of the Christian message destroyed the religious liberty of the righteous in the past. Thus will they destroy it once more in the future.

God's principles of justice were succinctly expressed early in the history of the children of Israel.

Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness. Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment: Neither shalt thou countenance a poor man in his cause. If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. If thou see the ass of him that hateth thee lying under his burden, and wouldest forbear to help him, thou shalt surely help with him. Thou shalt not wrest the judgment of thy poor in his cause. Keep thee far from a false matter; and the innocent and righteous slay thou not; for I will not justify the wicked. And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous. Exodus 23:1-8

Pathetically, the leaders of God's Church at the time of the first Advent chose to ignore these principles. Dare the religious leaders of today follow their example at this time of the second Advent?

Chapter 27

Changing Political, Religious, Economic, and Social Patterns

THE 1990s has seen a bewildering escalation of change in almost every aspect of society. Some perceptive analysts, focusing upon the issues of personal liberty, have noted that frequently these societal changes are altering both the focus and the emphasis that once safeguarded the personal freedoms of society's citizens.

Political Issues

There are growing concerns that government is greatly reducing the liberties of its citizens. There is a significant spectrum of concerns, as increasingly the lives of the citizens are regulated. We certainly acknowledge the fact that government has hard decisions to make today, decisions that were never encountered in earlier history. For example, arising out of the terrorist bombing in New York City, and the Oklahoma bombing, there is a tendency for legislators to contemplate increased control over the citizens of the nation in the name of protection. Many wise legislators are yet having great difficulty in drawing that fine line between the protection of the citizens of the nation on the one hand, and the protection of individual freedoms on the other.

Fear of terrorism has greatly increased security operations in many areas, including airports and government facilities. The question is, How much of our individual freedoms are we willing to surrender in the name of security? These are difficult questions to answer, but above all we must oppose anything but the most necessary protective measures.

There is reason for deep concern about the increasing power that has been invested in the President of the United States. Many are afraid of the President's powers, which can be exercised without recourse to Congress and the wider forum that Congressional debate offers on issues. One simple power that is a concern to many citizens, is the President's power to declare special days for public observance. Having noted the extended and often bitter debate over Sunday legislation throughout the nineteenth century, this has led to much concern that any move for the enactment of such legislation be defeated. Of deep concern are rumors that Sunday might be legislated as "a family day." Perceptive citizens would see this, as did the discerning citizens of last century, as a veiled intrusion into the religious choices of the people. Others are concerned about the President's new power to exercise line item veto. The more powers that one individual has, the more the likelihood of the development of coercive, ill-considered, or dictatorial decisions.

Of even deeper concern has been the development of the concept of "fast track," by which the President would have approval to sign international treaties and would have much more latitude to influence international trade and international relations. Already there is deep concern about the number of treaties that America has signed—more than five hundred of them—all of which have not borne the scrutiny of the Constitution of the United States, and thus in effect supersede it.

Increasingly, legal decisions are being taken in respect, not of the sovereign decisions of the nation, but in line with the so-called world community. Thus globalism is making strong inroads into the American society. Of course, America is but one nation that is accepting these international treaties. Australia has accepted almost two thousand International Treaties and United Nations conventions.

In the dying embers of his administration, President Reagan signed the genocide treaty, something that seven previous Presidents (Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter) had refused to do since the treaty had been proposed in the early years of the United Nations. There is a deepening fear that the articles of the genocide treaty may be used to persecute citizens who seek to disclose the errors perceived in religions other than their own. For example, among the subclauses of Article III dealing with acts that are punishable is subclause (c):

Direct and public incitement to commit genocide (Convention on the Prevention and Punishment of the Crime of Genocide, General Assembly of the United Nations, 9 December, 1948)

Fears were increased when subsequently, Congress decided that the death penalty would be invoked for violation of this treaty.

Although the authors stand firmly and resolutely against any form of genocide, they also see in the treaty the above dangerous clause, which could permit the curtailing of free speech for anyone who sought to show the errors of another's religion. Such a person could be accused of violating the genocide treaty, for this treaty covers much more than the destruction of ethnic, religious, or political groups. The treaty also endangers the exercise of free speech.

This threat to free speech has taken other forms in other countries. For example, Canada enacted laws prior to the visit of the Pope, that made it an offense to speak out against the Pope. This surely is a serious violation of religious liberty. Efforts have been made in Australia to enact anti-vilification laws. Once again, these laws clearly would violate the free speech of the citizens of Australia. Australia in 1949 signed the genocide treaty.

When we were boys, we often heard the statement, "Sticks and stones will break my bones but names will never hurt me." That maxim is surely true today, and any curtailing of an individual's right to speak out against an organization or a group will set a dangerous precedent.

The genocide treaty illustrates a growing peril. Many laws, constitutional articles, treaties, or regulations attract popular support because the matter set before the citizens is one which no right thinking individual could oppose. This surely is true of genocide. But, no doubt by design, the architects of the treaty also intruded into that treaty, aspects which no right-thinking person should accept. These aspects were played down, while the genocide aspect was emphasized. Thus nations were beguiled into signing the treaty without fully exploring the consequences to their citizens, of the subclauses which potentially subvert their inalienable rights.

Economic Issues

Rapid globalization of economies is already producing ominous results. The NAFTA (North American Free Trade Association) treaty was surely just a microcosm of the greater thrust to bring all nations under the one global economic organization. More alarming still were the implications of the GATT (General Agreement on Tariffs and Trade) Treaty, which involved well over one hundred nations. While the possible evils of the GATT Treaty are yet to be witnessed, the goals are very obvious. Once again, efforts are in place to reduce greatly, if not to eliminate, the sovereignty of each nation. Therefore the citizens of the nations of the world will soon be facing the reality that their liberties and national sovereignty will be impaired or totally lost in the interest of the global community.

Those who have taken even a limited interest in the ups and downs of the stock market will realize just how dramatic is the impact when one nation's economy falters. The very difficult time at the end of the 1990s, experienced by some of the Asian countries, had great implications in nations as far away as the United States, Australia, and Great Britain. The more closely the economic interests of each nation are tied together, the greater the likelihood of a whole world economic collapse which would make the depression of the 1920s and 1930s shrink almost into insignificance.

Some experts are warning about the reduced rights in private property ownership, as usage of property becomes increasingly regulated, and as building codes become more stringent. In a very interesting presentation in *Imprimis*, vol. 26, p. 8, Richard Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College, warns against the increasing trend of government, including the United States government, to intervene in the free market economy. In his presentation, Ebeling presents a clear distinction between the socialistic-communistic collectivism that brings all business and economic enterprises under the control of government, and a free market economy which allows for the ownership and initiative of individuals of the nation. Ebeling points out that

characteristics of a genuine free market economy include "(1) all means of production are privately owned; (2) the use of the means of production is under the control of private owners who may be individuals or corporate entities; (3) consumer demands determine how the means of production will be used; (4) competitive forces of supply and demand determine prices for consumer goods and various factors of production like labor; (5) the success or failure of individual and corporate enterprises is determined by the profits or losses these enterprises earn, based on their greater or lesser ability to satisfy consumer demand in competition with their rivals in the market place; (6) the market is not confined to domestic transactions and includes freedom of international trade; (7) the monetary system is based on a market-determined commodity (e.g. gold or silver), and the banking system is private and competitive, neither controlled nor regulated by government; (8) government is limited in its activities to the enforcement and protection of life, liberty, and property."

Ebeling, however, points out that though socialism, communism, fascism, and nazism are all but dead and have failed miserably, they are now being—"replaced by what is merely another more watered down form of collectivism that may be called 'interventionism'" (Ibid.). Ebeling proceeds to point out the consequences of regulating all business transactions. He suggests that once again government infringes civil rights, and the freedoms of the individual are violated.

Environmental Issues

Every responsible citizen is firmly committed to helping to maintain, or where necessary to restore reasonable ecological balance to our planet. But evidence mounts that some of the increasing environmental regulations are imposing severe economic hardships upon many law-abiding citizens. Often, decisions are made without evidence of need. For example, a corporation built its sewage ponds lined with impervious clay. Some years later the Department of Environmental Quality (DEQ) required the corporation to either prove the pond was not leaking, or line the pond. The onus was not on the department to prove leakage, but rather upon the corporation to prove the pond was not leaking. To do the latter would have cost about fifty percent of what it cost to line the pond. To avoid further annoyance, the corporation chose to line the pond at considerable cost, without the slightest evidence of its need.

In another case, a developer, at the cost of about \$300,000, had built a sewage treatment plant for a subdivision he had developed. Shortly thereafter, the city passed an ordinance requiring all sewage to be linked to the city sewage treatment plant. He was forced to find about \$500,000 to meet the new ordinance. When he sought to appeal the decision he was confronted with a \$100,000 fine per quarter for any delay, thus depriving the developer of his right to appeal his case.

Such arbitrary and seemingly unfair decisions violate the very essence of the principles of freedom. Many hard working, honest citizens have lost their livelihood because of such heartless decisions. Others have been forced to merge with larger organizations to survive, and thus have effectively lost the ownership of their own business or industry, which they have established by decades of hard work and intelligent management.

Family Issues

Especially in developed countries, there has been a dramatic change in the relationship between parental and government rights and responsibilities. Certainly, some of the existing regulations have been fueled by significant decline in parental responsibility. But this does not excuse governments which become increasingly antagonistic to the sovereignty of the family. In some nations, including some of the Scandinavian nations, the law forbids spanking by parents of their children. This is especially offensive to sincere Christians. Many Christians see the wise, temperate use of corporal punishment as mandated in the Scriptures. Especially, Solomon brings these concepts before parents.

Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him. Proverbs 22:15

Withhold not correction from the child: for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod, and shalt deliver his soul from hell. Proverbs 23:13, 14

He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes. Proverbs 13:24

The rod and reproof give wisdom: but a child left to himself bringeth his mother to shame. Proverbs 29:15

We are not in any way condoning the practice of child abuse, for a wise parent will never punish in anger, and will help the child to understand the reason, based upon love, for which the child is being punished. But in some areas parents are afraid to administer such punishment, because they fear that they are in danger of being reported to Social Services agencies as child abusers.

Many parents are closely analyzing the agenda being forced upon children in public school, as they are trained to accept the concept of globalism and socialistic patterns of thinking. Children are also being desensitized to so-called "alternative lifestyles," including homosexuality, lesbianism, premarital sex, and cohabiting of singles. Thus, frequently, the public schools are seen as reflecting, teaching, and even training children away from traditional values, and in a lifestyle wholly inconsistent with the goals of responsible parents. Such parents see these training methods as specifically aimed to "liberate" the child from the values of the parents. Such methods are linked to toleration, but no effort is made, in many instances, to teach the difference between toleration to human beings, and intolerance of acts that defy any civilized standard of decency.

Religious Issues

The religious climate has changed dramatically since the end of the Second World War. Fifty years ago each church had a strong body of truth, dogmas, and, in many cases, creeds to which every member was expected to adhere. For example, it was not difficult to sense the difference in salvation principles between Methodists, who believed in freedom of the will, and Presbyterians, who believed in predestination, two quite separate and incompatible concepts of the gospel and of the saving principles of God.

But today, mergers between such groups are not uncommon. For example, the Uniting Church of Australia, formed in 1977, is comprised of the former Presbyterians, Methodists, and Congregationalists. Biblical doctrines have been so de-emphasized that barely a skeleton of the doctrine has been left.

In 1977 Russell was Deputy Medical Superintendent of a large Melbourne University hospital. The senior hospital chaplain was a Presbyterian pastor with several theological degrees. Russell asked the chaplain how Methodists and Presbyterians were able to unite when their respective doctrines of salvation were at such odds. The reply of the chaplain typified the departure from a sense of the significance and importance of doctrinal integrity. "I suppose you are correct," he replied, "I've never given it a second thought."

This is of course part of the strategy of the ecumenical movements and of those sponsoring the concept of a one-world religion. Perceptive Christians cannot escape the conclusion that the blurring of doctrinal distinctives has resulted in an alarming decline in the Bible-based standards of the churches, and has greatly weakened the moral fiber of society, leading to a monumental increase in crime, degrading practices, and the fracture of home life. It is not a little ironic that those churches who must shoulder much of the responsibility for the deplorable standards in today's society, are now demanding the greater intervention of government and law enforcement agencies to solve by force, the problems to which they have contributed.

There is developing an acceptance of a wide range of incompatible ideas and teachings. But ironically, this is leading to intolerance against those who earnestly believe that they must follow a specific set of beliefs and cannot endorse beliefs that are incompatible with these.

The ecumenical movement is drawing churches into a deceptive web of cooperation built upon false principles of unity. This changing climate is fueled by interfaith fellowships and ministerial fraternals, in which ministers of a wide range of denominations regularly meet together. It has led the World Council of Churches to proffer what is called the BEM Document (Baptism, Eucharist, and Ministry). This document calls for acceptance of any form of baptism, whether it be infant sprinkling or adult consent, believer's immersion, ignoring the fact that huge numbers of people were martyred for their unwavering stand on this issue.

The *Eucharist* represents the concept that the wafer in the communion service is claimed to be the actual body of Christ, whereas most Protestants believe the communion bread to be but a symbol of the broken body of Christ. Once again, large numbers were martyred in past history for their convictions on this doctrine. Yet the BEM document testifies that both forms of communion are acceptable.

Not only does the Roman Catholic Church declare, in contradistinction to Protestantism, that in the mass, the bread after consecration becomes the actual body of Christ; but that the mass is equally efficacious for our salvation as is the death of Christ on Calvary.

The Eucharistic sacrifice is to be considered in so far as in it Jesus Christ offers Himself, that is, He is not only the sacrificial gift, but also the most eminent Sacrifice. In this respect the Sacrifice of the Mass is not inferior in value to that of the Cross: both are equally infinite, equally beyond all estimation and equally valuable. (Dr. Nicholas Gühr, *The Holy Sacrifice of the Mass*, B. Herder Book Co., St. Louis & London, English Edition 1939, page 135—This book possessed the imprimatur of Archbishop Glennon.)

The ministry section of the BEM document limits the *call to witness*, to witness only to those who are unchurched, that is, those who are members of no specific denomination. Such a concept is designed to rob earnest Christians of their responsibility to teach—to proselytize those of other

Christian faiths. Such proselytizing has ever been central to the active ministry of every faithful Christian. It takes little prophetic gift to predict that eventually those who believe they have a God-given mandate to share their understanding of the gospel with whoever will freely listen, be he pagan, atheist, or member of another Christian church communion, will be condemned and ultimately persecuted as those who are destroying the unity of this global religious movement. The very toleration that such a movement proposes will eventually lead to a fierce hostility directed against those who refuse to become part of the world's religion consensus. Christians must never neglect the warnings of Scripture, which plainly state that both economic boycotts and death will be penalties meted out against those of minority faith.

And all that dwell upon the earth shall worship him, whose names are not written in the book of life of the Lamb slain from the foundation of the world. Revelation 13:8

And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not worship the image of the beast should be killed. And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. Revelation 13:15-17

As we examine the dramatic advances in technology and surveillance equipment, it is not difficult for perceptive citizens to recognize that an infrastructure is being developed that will allow for the most invasive activities of authoritative organizations against citizens. High-tech equipment is now available to track our every move. Someone has said that in New York City, for example, the average citizen is photographed about twenty times a day by security cameras and other devices. Credit cards provide huge amounts of information. While it is not believed that all of this is in place in order to limit the freedom of citizens, nevertheless we cannot be blind to the fact that these remarkable advances will allow for the unscrupulous use of this technology.

Sincere Christians are alarmed by these developments, but they also realize that their only security and ultimate trust is in the Lord Jesus Christ. Certainly this is the time for great vigilance on the part of all the citizens of every nation.

Chapter 28

The Genuine Principles of Liberty

EVEN selfish men plead for their own rights and their own liberty. But true liberty is liberty for all, a universal liberty. Those committed to true principles of liberty will not only plead for their own rights, but even more for the rights of others. No freedom-loving individual can sit by, complacent and inactive, when he or she knows that the God-given rights of another individual or group of individuals are being trampled. Thus we have a responsibility to plead for the rights of others, that they may have the true freedom that we want for ourselves. This thought was embedded in a nineteenth century poem by James Russell Lowell.

No: true freedom is to share
All the chains our brothers wear,

And, with heart and hand, to be
Earnest to make others free!

God is surely displeased at man's disregard for the rights of others. Too frequently, those who have freedom and live in an environment of freedom, give little thought to those who are under the most abject bondage. But in our present world there are still many people who are deprived of the most basic elements of religious and civil liberty. We sometimes forget that there are between one, and one and one-half billion people who are still under the autocratic control of Communism.

Neither should it be forgotten that in many other countries there are still those who are losing their lives or are prisoners of conscience for their religious convictions or for their political persuasions. Such understanding should bring the greatest distress to each of us, and whatever we can do should be done to help such people. Sometimes we can do something individually, which is to write to the leaders of such governments urging them in the most winning way to reevaluate and redesign their governmental policies.

There are major organizations, such as Amnesty International, that are worthy of our support in these matters. There are other, smaller organizations, such as Christians in Crisis, of Minnesota, which are playing an important role in these areas. Unfortunately too frequently, governments who have the power to influence those nations who are devoid of basic liberty principles, act primarily on political considerations. Thus, often, for economic reasons or diplomatic considerations, they will turn a blind eye to the excesses of other nations. For example, during some of the worst periods of the oppression of Ceausescu in Romania, the American government was still treating that nation as a favored nation in economic matters. Of course it is normal for such nations to give lip service to their concerns, but when determined action is needed, other circumstances often outweigh the humanitarian considerations. This has been seen to occur when populations are starving. The action of the affluent nations is too often determined by political considerations rather than genuine love for those in such distress.

In this period of earth's history, there is no need for one person to die from starvation. At the present capacity for production, there is more than enough food for every person on the planet. Indeed, if we cleared not one additional acre of forest, the present agricultural land, well utilized, could supply sufficient food for about sixteen billion people, ten billion more than we have on the planet today. If the whole world population were to become vegetarians, the present agricultural land could support perhaps four times that population, to at least sixty billion people. It is disheartening to see how the nations of this world do so little to provide for the basic needs of the human race. It is hard to imagine anyone as being free, if he does not have the opportunity to obtain sufficient food to meet the basic needs of survival.

The Word of God provides basic principles concerning our responsibility to our fellow man.

Look not every man on his own things, but every man also on the things of others. Philippians 2:4

Christians will have a special burden for those other fellow faithful Christians.

As we have therefore opportunity, let us do good unto all men, especially unto them who are of the household of faith. Galatians 6:10

However, the true principle of concern for others goes far beyond those whom it is easy to love; it reaches to our very enemies.

Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you. Matthew 5:43, 44

One can only wonder how long enmity could exist, if those who have the love of Christ in their hearts were to fulfill this command of Jesus. However, only as Christ's followers love as fully as He loved, can this principle be fulfilled.

Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the Lord. Leviticus 19:18

Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. Romans 13:8

Love worketh no ill to his neighbour: therefore love is the fulfilling of the law. Romans 13:10

Surely the precepts of God's Ten Commandments, kept in the power of Jesus, would be certain bulwarks against selfishness and unconcern for our fellow men. Thus the Psalmist could say,

So shall I keep thy law continually for ever and ever. And I will walk at liberty: for I seek thy precepts. Psalm 119:44, 45

And this is why James could call the Ten Commandments a law of liberty.

For he that said, Do not commit adultery, said also, Do not kill. Now if thou commit no adultery, yet if thou kill, thou art become a transgressor of the law. So speak ye, and so do, as they that shall be judged by the law of liberty. James 2:11, 12

This is not to imply that sinful man can obtain liberty before God by keeping the law of God, but that the keeping of this law (which is possible only by faith in Jesus Christ) ensures the liberty we seek. Of course that liberty cannot exist where just laws are transgressed. That is impossible. Faith itself cannot bring about genuine liberty if it does not work obedience. Faith must work by love.

For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. Galatians 5:6

Remembering without ceasing your work of faith, and labour of love, and patience of hope in our Lord Jesus Christ, in the sight of God and our Father. 1 Thessalonians 1:3

Yea, a man may say, Thou hast faith, and I have works: shew me thy faith without thy works, and I will shew thee my faith by my works. James 2:18

But wilt thou know, O vain man, that faith without works is dead? James 2:20

Seest thou how faith wrought with his works, and by works was faith made perfect? James 2:22

For as the body without the spirit is dead, so faith without works is dead also. James 2:26

Love worketh no ill to his neighbour: therefore love is the fulfilling of the law. Romans 13:10

Surely the Word of God through the prophet Jeremiah, expresses the condemnation of God upon those who either legislate tyranny or who are unmindful and indifferent to the tyranny under which others must suffer.

Therefore thus saith the Lord; Ye have not hearkened unto me, in proclaiming liberty, every one to his brother, and every man to his neighbour: behold, I proclaim a liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine; and I will make you to be removed into all the kingdoms of the earth. Jeremiah 34:17

God's denunciation of those who fail to proclaim liberty, shows that He is not only displeased by tyranny itself, but that He sends His judgments upon men who do not regard and seek for the rights of their fellow men. The highest expression of our true belief in liberty comes when we are willing to take action to support the liberty and rights of those whose beliefs are diametrically opposed to our own. Under just laws only criminals forfeit their full liberty—those who have in any way injured or transgressed in a major way against the liberty of others.

Chapter 29

Biblical Counsel and Civil Authority

THERE is an increasing tendency of certain elements within Christianity to resist all human authority. Resistance is built upon what at first appear to be noble principles—principles riveted upon our loyalty to God. This trend has led some groups to develop militant anti-government rhetoric to deny governmental authorities their appropriate role in dealing with those who threaten the security of society, some refuse to pay taxes and in other ways defy proper state authority. Therefore a careful investigation of the biblical principles of man's relationship to governmental authority is necessary.

The Word of God plainly establishes the principle that all human authority has its source in God. Ultimately, there is no power but of God. When Jesus stood before Pilate, Pilate verbalized the life and death power he had in his hands in respect to the destiny of Jesus.

Then saith Pilate unto him, Speakest thou not unto me? knowest thou not that I have power to crucify thee, and have power to release thee? John 19:10

Jesus responded by pointing Pilate to the fact that the only power he had was that which was allowed him by the God of heaven.

Jesus answered, Thou couldest have no power at all against me, except it were given thee from above. John 19:11

Using "Wisdom" as a metaphor for God, Solomon, though a king with great power, nevertheless acknowledged that there was no ultimate power but that which came from God.

By me kings reign, and princes decree justice. By me princes rule, and nobles, even all the judges of the earth.
Proverbs 8:15, 16

The prophet Daniel, in addressing the autocratic monarch Nebuchadnezzar, reminded him that God had ultimate power to set up rulers and to remove them.

Daniel answered and said, Blessed be the name of God for ever and ever: for wisdom and might are his: and he changeth the times and the seasons: he removeth kings, and setteth up kings: he giveth wisdom unto the wise, and knowledge to them that know understanding. Daniel 2:20, 21

Some time later Nebuchadnezzar himself faced this reality. With unbounded pride, Nebuchadnezzar had boasted that everything that he had, and all that had been established in the magnificent kingdom of Babylon, was as a result of his human power. But he found his boast to be hollow, and was compelled by divine evidence to acknowledge God's overriding authority.

At the end of twelve months he walked in the palace of the kingdom of Babylon. The king spake, and said, Is not this great Babylon, that I have built for the house of the kingdom by the might of my power, and for the honour of my majesty? Daniel 4:29, 30

It was at this point that God intervened to prove to this boastful monarch that his human power could be taken away by, and was subject to, the power of God.

While the word was in the king's mouth, there fell a voice from heaven, saying, O king Nebuchadnezzar, to thee it is spoken; The kingdom is departed from thee. And they shall drive thee from men, and thy dwelling shall be with the beasts of the field: they shall make thee to eat grass as oxen, and seven times shall pass over thee, until thou know that the most High ruleth in the kingdom of men, and giveth it to whomsoever he will. The same hour was the thing fulfilled upon Nebuchadnezzar: and he was driven from men, and did eat grass as oxen, and his body was wet with the dew of heaven, till his hairs were grown like eagles' feathers, and his nails like birds' claws. Daniel 4:31–33

The terrible conditions that he experienced eventually brought him to the realization that indeed, God was the source of his authority.

Now I Nebuchadnezzar praise and extol and honour the King of heaven, all whose works are truth, and his ways judgment: and those that walk in pride he is able to abase. Daniel 4:37

It is because of God's ultimate and absolute power that He calls His faithful followers to submit to those in civil authority.

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Romans 13:1

Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work. Titus 3:1

The apostle Peter strongly supported the counsel of Paul.

Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well. 1 Peter 2:13, 14

God has placed men in civil authority to enact laws to form the platform for the wise governing of the populace. If it were not for sensible and just laws, there would be chaos in society. Indeed, we have ample evidence that when law and order break down, the most abominable crimes are multiplied. We have seen this in nations such as Rwanda. When civil government was in chaos, the butchering of myriads of people took place. People, who under normal conditions would appear to be law abiding citizens, take advantage of the evil that is in their hearts by looting and adding to the carnage generated by these situations.

One of the roles of civil government is not only to provide just laws, but to punish evil doers.

Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well. 1 Peter 2:14

Paul expounded the principle that those who resist civil power actually resist the ordinance of God.

Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. Romans 13:2

However, God has never given to man or governments absolute power. Those who are placed in positions of authority have a God-given responsibility to be just and equitable in their administration of justice.

The God of Israel said, the Rock of Israel spake to me, He that ruleth over men must be just, ruling in the fear of God. 2 Samuel 23:3

A thoroughly converted Christian should have no reason to fear a just government. The appropriate role of the government is to provide protection for law abiding citizens against those who behave lawlessly in society.

For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: for he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Romans 13:3, 4

We are all aware of ruthless governments. Such governments have oppressed God's faithful children. The Bible evidences the fact that such oppressive governments will be in power just prior to Christ's second coming. Again we remind each reader of this fearful prophecy.

And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not worship the image of the beast should be killed. And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. Revelation 13:15-17

The Scripture is plain in its statements concerning our responsibility when the laws of man conflict with the laws of God. Untold tens of millions of faithful Christians have suffered as they have sought to place their duty to God above the dictates of man and rulers. Under the power of the Holy Spirit, the early disciples were forced to make a choice between the edicts of man and the call of God. Their responses are examples which faithful Christians will follow. When Peter

and John were commanded by the Jewish leaders to refrain from speaking or teaching in the name of Jesus, their response left no equivocation as to the primacy of their loyalty.

But Peter and John answered and said unto them, Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard. Acts 4:19, 20

Later, in a similar confrontation with the Jewish leaders, their response was just as unequivocal.

Then Peter and the other apostles answered and said, We ought to obey God rather than men. Acts 5:29

There is much said today about the separation of responsibilities to God on the one hand, and responsibilities to government on the other hand. Those principles are enshrined in the response of Jesus to the questions asked by those who would find cause to report Jesus to the Roman authority as disloyal to the government of Caesar. He had been asked:

Is it lawful for us to give tribute unto Caesar, or no? Luke 20:22

Jesus' response laid the foundation for our understanding of the responsibilities to God on the one hand, and to the civil powers on the other.

Shew me a penny. Whose image and superscription hath it? They answered and said, Caesar's. And he said unto them, Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's. Luke 20:24, 25

Now here is a principle that seems to be poorly understood by segments of Christianity today. There are those who resolutely refuse to return taxes, claiming that these taxes are often used for illegal purposes, such as repression and suppression of citizens. Yet it is very difficult to argue this in the light of the words of Jesus. His words also were supported by Paul.

For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Romans 13:6

At the time of Christ, some of the Roman laws were good, others were repressive. Yet Christ did not equivocate on the issue of rendering a just tax to the government of His day. When Christians do not follow the clear principles enunciated in the Word of God, they make it difficult not only for themselves, but for other Christians. History testifies to the fact that increasing repression has often come upon the whole Christian community because of the unwise and unscriptural acts of more extreme elements who are following human reason rather than Scriptural injunction.

Some Christians attempt to extrapolate the taxation obligations of Christians to the rendering of tithes and offerings to specific church organizations. In this they err. Secular rulers exact an authority and rulership which Christ condemns in His church.

But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. Matthew 20:25

Ecclesiastical Administrators, on the other hand, have been strictly informed by Christ Himself, that in contrast to secular rulers, they are servants to Christ's flock.

But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant: even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many. Matthew 20:26–28

The purpose of compulsory government taxes is to produce funding so that the nation may function effectively. On the other hand *freewill* tithes and offerings are designed as gifts, not primarily to individuals or church organizations, but to God. Thus in Malachi 3:8, God does not ask, "Wherein have ye robbed the Jewish faith or the priesthood?" Rather He asks, "Wherein have ye robbed *Me*?" Thus tithes and offerings must be returned for the work of upholding and sustaining God's truth and His kingdom. And where the gospel commission is prosecuted, there tithes and offerings may be freely sent to support the kingdom of God.

In another area, Christians need to follow Christ. During the era of Jesus' sojourn on this earth, corruption and oppression were widespread. There was extortion, cruelty, and intolerance. But Christ did not spend His time in seeking to redress the excesses of the government. He knew that ultimately the most efficient and effective way to bring about reform was to change the lives of people. Christians have the responsibility to be the most loving and lovable people on the face of the planet. Their good works should recommend them to every just civil authority. Those claiming to be Christians, who are belligerent, resentful, and militant, do a disservice to the God they claim to serve. Not only do they bring discredit upon themselves, they bring discredit by extension upon the Christian community as a whole. King Solomon recognized a dual responsibility.

I counsel thee to keep the king's commandment, and that in regard of the oath of God. Ecclesiastes 8:2

Peter recognized how important it is for Christians to represent the character of Christ and to avoid the exercise of the negative emotions.

For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men: as free, and not using your liberty for a cloke of maliciousness, but as the servants of God. 1 Peter 2:15, 16

Finally, Peter, in his exhortation concerning government leaders, concludes with a brief summary:

Honour all men. Love the brotherhood. Fear God. Honour the king. 1 Peter 2:17

The Christian principles can be summarized as follows:

- (1) All human power is subject to divine power.
- (2) Earthly rulers have a responsibility to enact just laws for the protection of the citizens and their property.
- (3) Christians have a responsibility to follow every law that does not contravene the commandments of God.

(4) Christians have a responsibility to render taxes to the government that has jurisdiction over them.

(5) Christians have a responsibility to live an upright life representative of the life of Jesus, so that no ruler has a justifiable reason to punish them, and that they may be a witness to others.

Chapter 30

The Author of Liberty

WHEN Adam and Eve sinned, they immediately forfeited the liberty that had been theirs in the Garden of Eden, for sin brings men and women to the bondage of Satan. Had it not been for sin, there would have been no need for human governments, for man would have lived under the perfect government of God throughout eternity. When man was created, he was created with the freedom of choice and decision, the power to think and to act. It was this quality of man that set him apart from the rest of God's creation. It was God's purpose and plan that man should live wholly in freedom; that there would never be the bondage of the will to the dictates of another human being, or indeed any other being created by God. But sin changed all that. It is God's plan in the very near future to redeem all those loyal to Him into the kingdom of eternity, so that once again freedom might be the uninterrupted life of all His redeemed ones. But even now the Lord wants to free His people. The greatest freedom that man can have is the freedom from the guilt, the condemnation, and bondage of sin. Christ's mission to the world was to set man free.

The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised. Luke 4:18

The spirit of the Lord God is upon me; because the Lord hath anointed me to preach good tidings unto the meek; he hath sent me to bind up the brokenhearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound. Isaiah 61:1

Jesus Himself declared what will truly make man free.

Then said Jesus to those Jews which believed on him, If ye continue in my word, then are ye my disciples indeed; and ye shall know the truth, and the truth shall make you free. John 8:31, 32

For those who continue in a life of sin there is no true freedom.

They answered him, We be Abraham's seed, and were never in bondage to any man: how sayest thou, Ye shall be made free? Jesus answered them, Verily, verily, I say unto you, Whosoever committeth sin is the servant of sin. John 8:33, 34

While they promise them liberty, they themselves are the servants of corruption: for of whom a man is overcome, of the same is he brought in bondage. 2 Peter 2:19

In our natural, unconverted state, divorced from the saving power of Christ, we, all the members of the human family, are in bondage to sin.

For all have sinned, and come short of the glory of God. Romans 3:23

Today, there are many proclaiming that, as long as we have a relationship with Jesus, sin will not inhibit our salvation in the kingdom of heaven. But there are two major problems with this dangerous distortion of the gospel. The first is that sin brings guilt.

. . . because he hath sinned, and is guilty. Leviticus 6:4

For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all. James 2:10

Guilt in itself is among the most debilitating and psychologically destructive factors of life. There seems little doubt that we could close a very large percentage of our psychiatric hospital beds if it were not for the ravages of guilt. Thus even this side of the return of Jesus, guilt has a devastating effect upon the life of every human being.

The second factor opposing the distorted belief that the presence of sin in the life is not inimical to salvation, is that it is an un-scriptural doctrinal position. Sin will indeed keep men and women from the joys of eternal peace and harmony. Scripture declares that the saved will be commandment keepers.

And the dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ. Revelation 12:17

Here is the patience of the saints: here are they that keep the commandments of God, and the faith of Jesus. Revelation 14:12

Blessed are they that do his commandments, that they may have right to the tree of life, and may enter in through the gates into the city. Revelation 22:14

God has stated emphatically that only those who obey God's commandments will be among the redeemed who will be in His kingdom. The clear and undeniable truth is, that those who do not keep the commandments will be excluded from the kingdom of heaven. Satan is the author of sin.

Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it. John 8:44

And therefore those who continue in sin have chosen the arch-deceiver, the destroyer of the human race, as their master.

Know ye not, that to whom ye yield yourselves servants to obey, his servants ye are to whom ye obey; whether of sin unto death, or of obedience unto righteousness? Romans 6:16

He that committeth sin is of the devil; for the devil sinneth from the beginning. For this purpose the Son of God was manifested, that he might destroy the works of the devil. 1 John 3:8

At the root of all sin is selfishness. The inordinate love for that which we may in our carnal minds think to be profitable and pleasurable to us is indeed the foundation of all the trouble there

is in the world. This selfishness leads to covetousness and egocentricity, which lead to personal conflict and distress.

Under God all men are equal. One man has no more inherent right than another. Christ set forth these principles with emphatic words; thus no man, no matter what his ecclesiastic rank may be, is regarded superior in God's esteem.

But be not ye called Rabbi: for one is your Master, even Christ; and all ye are brethren. Matthew 23:8

Every effort to detract from our fellow men or to take a position of superiority over them is inimical to the principles of heaven. Against the natural tendencies of our fallen nature, we are to prefer others above ourselves.

Be kindly affectioned one to another with brotherly love; in honour preferring one another. Romans 12:10

Even when our fellow men turn against us and do that which is harmful to us, we still have a responsibility, under the guidance of God, to treat them in the way we would want to be treated ourselves.

For if ye forgive men their trespasses, your heavenly Father will also forgive you: but if ye forgive not men their trespasses, neither will your Father forgive your trespasses. Matthew 6:14, 15

Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets. Matthew 7:12

These principles have very practical implications.

Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honour the person of the mighty: but in righteousness shalt thou judge thy neighbour. Thou shalt not go up and down as a talebearer among thy people: neither shalt thou stand against the blood of thy neighbour: I am the Lord. Thou shalt not hate thy brother in thine heart: thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him. Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the Lord. Leviticus 19:15-18

Further, these principles lead us to compassion and service for our fellow man.

Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction, and to keep himself unspotted from the world. James 1:27

Only God can take away the selfishness that sin has embedded within the heart of every human being.

Neither is there salvation in any other: for there is none other name under heaven given among men, whereby we must be saved. Acts 4:12

If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. 1 John 1:9

Thus it is only God who can provide genuine freedom. Once we are freed of the tyranny of sin, then no matter what men might attempt to do to us, we have the assurance of the freedom of our lives and our souls in Jesus Christ. That is how faithful Christians are able to rejoice, in persecution, that they are accounted worthy of suffering affliction as their Saviour did. It was in such a freedom that the martyrs faced their terrible ordeals. It was in this ultimate sense that there can be no tyranny for those who are totally freed by the saving power of Jesus Christ. They are free indeed.

Chapter 31

Australian Constitutional Crisis

IN 1994 the Prime Minister of Australia, Paul Keating, commenced a personal campaign to transform Australia into a Republic.

Until 1901, Australia's six states, New South Wales (settled 1788), Victoria (settled 1834), Queensland (settled 1823), Western Australia (settled 1826), South Australia (settled 1836), and Tasmania (settled 1804) were self-governing colonies of Great Britain. On January 1 1901, the six states federated to form the Commonwealth of Australia. A monarchist system of government was adopted. The British monarch maintained vast prerogatives as head of state, including the constitutional right to abrogate any law enacted by parliament within one year of its passage through the Senate, and the command of the military forces of Australia; and was accorded executive, legislative, and judicial rights. In practice, these enormous powers have never been exerted. Indeed, today, no monarch of Britain would dare to interfere in these matters. Thus the British crown serves limited constitutional and ceremonial functions. The monarch's powers and functions are exerted through a Governor-General who, while appointed by the monarch, is always nominated by the Australian government.

Until 1930, the post of Governor-General had been held by a succession of British peers. But in 1930, upon the insistence of the Australian Government, a reluctant King George V agreed to appoint the first Australian-born Governor-General, Sir Isaac Isaacs, a member of the first Federal Parliament of 1901, a former Commonwealth of Australia Attorney-General, and Chief Justice of the High Court of Australia, the nation's highest court. Newspapers of the day reported that the opposition United Australia Party, a conservative party, labelled Sir Isaac's appointment by the Labour Party Government of Joseph Scullin, as practically republican. It was not, of course. Subsequently, British peers were once more appointed to this vice-regal post. In the thirty year period until 1965, only one Australian-born Governor-General, Sir William McKell, was appointed. However, following the appointment of Australian peer, Baron Casey, in 1965, only Australians have been accorded the honor of appointment as Governor-General.

Moves toward the federation of the Australian states were commenced in the 1860s, but it was not until 1891 that the first National Constitutional Convention was held. During the subsequent decade, careful consideration was given to the formulation of articles in the proposed Commonwealth Constitution. Fortunately the Australian States possessed a number of men of the day who were statesmen, rather than mere politicians. Men such as Sir Henry Parkes, Sir

Edmund Barton (who became Australia's first Prime Minister), Alfred Deakin (a later Prime Minister), Richard O'Connor, and Charles Kingston stood out. These statesmen evidenced a purpose to place the welfare of the nation, and each of its individual citizens, before their own self-interest. Further, they carefully scrutinized the proposed articles of the Constitution, as they did legislation, to ensure that they contained nothing, however unintended, detrimental to the welfare of the nation.

Additionally, in the 1890s, there was a relatively stable society in Australia. While Australians, like their parliamentary representatives, were not saints a century ago, there was a general agreement that it was in the best interests of all, for people to live the principles of Scripture. This assessment will never, validly, be made of the era of the 1990s, when future histories of Australia are prepared. Indeed, the 1990s is a period of uncertainty, indecisiveness, and aimlessness. For many Australians, Christianity is not even a footnote to their lives.

Clearly, Australia is presently in no position to make wholesale alterations to its current constitution. To do so would be unsafe, for neither parliamentarians nor citizens are adequately prepared for such momentous decisions. The 1997 revelations of wholesale travel expense enhancement by members of both houses of parliament certainly fill no one with confidence. Ministers of the crown, together with leading public servants, were dismissed, and some members of parliament prosecuted. No less than sixty-three percent of members of the House of Representatives and Senators were investigated for travel torts.

Americans will wonder at the resistance of a large class of Australians, especially those defending religious and civil liberties, who are expressing opposition to the establishment of a republic. For Americans, it was the severing of ties with the British monarchy which ushered in their enlightened Bill of Rights, which guaranteed these liberties. Further, the British monarchy represents a nation which has an established religion, the Church of England, and a monarchical system ensures the presence of a head of state who is not democratically elected, but assumes the role on the basis of hereditary qualifications. In addition, the monarch's role is not open to citizens of all faiths, since the monarch is the designated head of the Church of England, and Roman Catholics, or those married to a Roman Catholic, are specifically precluded from sitting upon the British throne, even though they meet the hereditary qualification.

If these true issues were the central reason for the call for an Australia republic, then there would be a strong case for the establishment of a republic. But Australians who oppose the republican concept base their opposition on altogether different reasoning. Australians have experienced the present Constitution for almost a century. It has a fine track record in the provision of religious and civil liberties. On the other hand, there is no track record for the proposed Republican Constitution. It is well understood that both Monarchist and Republican systems of Government are capable of upholding the inalienable liberties of mankind. Similarly, both systems are well able to deprive their citizens of their religious and civil liberties. Examples of all four situations abound. Australians well recognize that no system of Government is, of itself, a guarantee of freedom. Thus they are bound to weigh the advantages of maintaining or altering their present system of Government, an alteration which would inevitably lead to a wholesale reconstruction of their constitution.

The proponents of the Republican move have offered three major grounds for entering into the potentially perilous course of such a major alteration of Australia's constitution, which has served it so well for a century. Three grounds that have been enunciated are—

1. That it is time for Australia to "come of age," and exhibit to the world at large that it has finally broken away from its "mother's" apron strings and possesses full sovereignty over its national affairs.
2. The rhetorical question is asked, "Is there not a single Australian good enough to be the head of state?"
3. A second question posed is "Do Australians desire an Australian head of state or a foreign head of state?"

To these "reasons" many concerned Australians sensibly argue,

1. Australia "came of age" in 1901 when the Commonwealth was formed. The "apron strings" of Britain are tied loosely about the mother country and do not extend half-way around the world to Australia. The government of Australia makes its own decisions without regard to the wishes of Britain. No monarch would dare to implement the prerogatives which, in a titular manner, are accorded to him or her. In any case, by Referendum the Australian citizens could greatly reduce the prerogatives of the monarch.

2. It is quite certain that Australia does possess individuals who could, with distinction and honor, serve as head of state, but it is also quite unlikely that those persons would rise to that rank. Rather would someone who possessed political cunning, a silver tongue, and a winsome television presence, be likely to be accorded the honor, either by a national election or some devised form of parliamentary nomination. Such qualities rarely ensure that the most appropriate citizen receives the highest national office.

3. Australians desire a fair and impartial head of state. The members of the Parliament, from which, in the Australian form of government, both the executive and legislative arms of government are derived, make full use of the political process. The judiciary is nominated by the government, often with political interests paramount. What Australia requires is an impartial head of state selected from outside the political arena. Even in the present Monarchist system, this is not achieved in the nomination of the Governor-General, but most certainly the "foreign" monarchs hold the post of head of state perfectly independently of the political process. There is a surfeit of politics in all nations. To add yet another politically appointed stratum would ensure that the elected head of state would be an individual who had political dues to repay. Such would place the office-holder outside the scope of an even-handed arbiter, so necessary when constitutional crises arise.

Of course, individual republicans have proffered other reasons to support their inclinations towards a republic. But these have all provided less than cogent arguments. Sir Owen Mason, retired Chief Justice of the High Court of Australia, was interviewed on the "Four Corners" television program in early November 1997. He claimed that he had been convicted that

Australia required a republic since 1932, when he was eight years of age. In that year, he explained, the English cricket team toured Australia. Sir Owen's father took him to the Sydney Cricket ground in order to watch an international match between the English and Australian cricket teams. Such contests are always fiercely fought. In 1932, the English team, which had been soundly beaten by Australia in the 1930 series in England, devised a new form of bowling which aimed at the batsmen's body rather than their bat. This led to many injuries, and even some batsmen being knocked unconscious by balls striking their heads at great speed. The methods employed by the English bowlers were regarded as unsportsmanlike and were eventually banned by the International Cricket Board. Sir Owen stated that it was this unsportsmanlike conduct by the English team which convinced him that Australia should become a republic. This conviction, however, did not deter him from receiving a knighthood from Queen Elizabeth II. Surely Australians are entitled to more telling reasons to discard their present constitution.

Australians have always greatly valued their religious and civil liberties. They do not take them for granted. Further, Christ's commission is greatly hampered when these liberties are withdrawn. That commission states,

Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you alway, even unto the end of the world. Matthew 28:19, 20

Sensing the danger inherent in the gathering momentum to alter the Australian Constitution, Russell decided to nominate as an independent candidate in the election of November 1997, which voted delegates to the National Constitutional Convention held in Canberra, the National Capital, December 2–13 1998. Colin, who is domiciled in the United States, was unable to stand. We had commenced writing this book well before the Convention was voted, therefore this, and the following two chapters, were not anticipated.

Russell had never stood for such an election previously. He recognized that his chances of election were negligible, since he was unknown throughout the state of Victoria and was standing as an independent. Yet he had very strong reasons to do so. The Australian Government formulated a convention consisting of one hundred fifty-two delegates. Of these, seventy-six were nominated by the Government. The nominated delegates included a number of Federal politicians, including the Prime Minister and the leader of the Opposition and ministers of state; the Premier of each of the six states and the leaders of the opposition in those states; representatives of women, youth, and indigenous peoples; and other citizens, including the Roman Catholic archbishop of Melbourne and the Anglican archbishop of Brisbane.

The remaining seventy-six were elected on a state basis, the number being determined, roughly, by the population of each state or territory. New South Wales elected twenty delegates, Victoria, sixteen; Queensland, thirteen; Western Australia, nine; South Australia, eight; Tasmania, six; the Australian Capital Territory, two; and the Northern Territory, two.

Victoria, the state in which Russell stood for election, had the lowest ratio of delegates to candidates. In Victoria, one hundred fifty-eight candidates stood, with only sixteen to be elected, thus determining that there would be one hundred forty-two unsuccessful candidates. Of the one

hundred fifty-eight candidates, one hundred eighteen belonged to groups, and forty stood as independents. Each independent candidate was limited to fifty words in which to describe his policy and inform the electorate of his qualifications. Those in groups were permitted to provide a group policy of fifty words for the first candidate, plus twenty-five words for each subsequent candidate. Thus, groups which nominated sixteen candidates had the privilege of a policy statement of four hundred twenty-five words. The election was held on a complicated preferential voting system. In order to achieve election, a candidate had to reach a pre-determined quota. This quota was derived by dividing the total number of valid votes cast by the number of delegates to be elected, plus one, and adding a single vote to the resultant. Thus, in the case of Victoria a candidate required the number of valid votes recorded divided by sixteen plus one equals 17. To this resultant, one vote was added.

Any candidate exceeding the quota was duly elected and his excess votes beyond his personal requirement were then distributed to the candidates who were accorded second place on his ballot papers, on a devalued basis determined by the percentage of votes in excess of the quota which the successful candidate had polled.

When the excess votes of successful candidates were exhausted by a series of distributions, the candidate with the lowest number of votes was eliminated and his votes distributed to those candidates who were placed second in the preferences of those voting for this unsuccessful candidate. This process was repeated until one hundred forty-two candidates were eliminated, and thus the sixteen delegates determined. If this system appears complicated to the reader, rest assured it is.

The election was conducted as a postal vote over a period of four weeks in November and December, 1997. Unlike Australian elections for parliament, which involve compulsory voting (with exceptions for those with conscientious convictions against voting), this election was non-compulsory. Only Belgium and Luxemburg, among the other nations of the world, have adopted compulsory voting regulations.

Victoria, of all the states and territories, had the highest percentage of electors voting—fifty-two percent. Northern Territory had the least with thirty-eight percent.

Russell discovered that the process of registering his nomination was a most interesting one, to say the least. Over one hour was required, and it involved five interviews with officers of the Commonwealth Electoral Office. First, the officers had to check that he was not excluded from nomination. Thus they checked if he was registered on the electoral roll. These checks were understandable. But Russell was rather bemused and not a little flattered, when they consulted the records of birth in Australia to ensure that he was at least eighteen years of age! Since we were born in 1933, we would have thought that one glance at his white hair and general appearance would have confirmed the fact that Russell amply fulfilled the age criterion.

Special care was taken to read the fifty word summary of Russell's policy in order to ensure that it contained no obscenities, and did not denigrate any other candidate. Since Russell was at that time unaware of the names of any other candidates and, as a Christian, does not use obscenities, he passed that criterion without a hitch. Eventually his candidature was accepted.

The great challenge was to inform the citizens of an entire state of his policies. Russell's purpose in standing was not confined to gaining election, an eventuality he recognized was remote, but also to provide a platform for him to arouse the voters to the perils inherent in a large-scale dismantling and reconstruction of the Australian Constitution, together with an arousal of understanding of the priceless measures of religious and civil liberties, which most of our countrymen take for granted. The danger of this mental set is that there is little focus upon the detection of any subtle erosion of our liberties.

The following two chapters detail a little of the means Russell used to fulfill his aims, and the measures of success attained.

We have included this personal experience since we believe that in a number of nations, various ploys are being invoked, aimed at altering significant articles in national constitutions, while falsely proclaiming altruistic motivation. It is essential that all lovers of freedom remain alert to the plans which are afoot, which inevitably, unless stayed, will lead to the decimation of our liberties.

Globalism is making inroads into the thinking of influential leaders worldwide. Global political movements, seeking a political union of all nations, are growing. The expanding European Union is their prototype. Many advanced nations of Europe are voluntarily forfeiting their sovereignty, a sovereignty they fiercely defended in numerous bloody wars fought on that continent. Many optimistically proclaim that such a union will lead to a cessation of hostilities around the world. Those gulled into accepting such manifestly false reasoning possess no sense of history. The bloodiest wars of all have been civil wars. Americans, above all people, should be aware of this fact. Make no mistake, there are devious, non-stated agendas held by those who promote such spurious arguments for political union.

Globalism has expanded also into economic policy. The GATT (General Agreement on Tariffs and Trade) Treaty, NAFTA (The North American Free Trade Agreement), and APEC (Asia-Pacific Economic Co-operation) are offspring of economic global policy. Once more, admirable aims are attached to these names. It is stated that a single world economy will banish want from the earth. It will do no such thing. India possesses a single economy, yet an extraordinary range of financial levels are to be found in the country. Both affluence and poverty abound side by side. Global economics, rather than equalizing incomes, is placing in the hands of the few, a powerful instrument for social control. With the expansion of the utilization of computerized financial transactions, central control of the right to buy and sell is potentially present.

The ecumenical movement is fueled by the thrust for religious globalism. It is proving to be a most successful concept, adhered to by a large majority of Christian churches and rapidly expanding beyond Christendom. But its proponents seldom give pause to consider the fact, amply attested by history, that the ultimate aims of the ecumenical movement can never be achieved without coercion of the convictions of sincere believers who dissent from the views of the majority in spiritual matters.

Legal globalism in the form of judicial bodies such as the International Court of Justice and the European Court, are steadily imprinting global laws upon the nations of the world. The London

Daily Telegraph of July 10 1997 reported that Cherrie Booth, a British barrister, was appearing before the European Court on behalf of a lesbian who was suing the British government for discrimination against her on the basis of her sexual orientation. Here was a *British* woman, suing the *British* government and represented by a *British* employment barrister, having her cause tried, not by a British court of law, but by the European Court. What an abrogation of British sovereignty! The case was even more remarkable in that the lawyer appearing for the woman was the wife of the British Prime Minister, Tony Blair. Mrs. Blair uses her maiden name professionally. Thus she was appearing for a litigant against her own husband's government.

Moves toward educational globalism are not as far advanced as in other areas, but are present. Globalism, supported by the machinations of the United Nations, presents an ever-increasing threat to our liberties, and must be forthrightly resisted if these liberties are to be accorded, as they ought, to all mankind. United Nations Conventions are frequently accepted into national laws without full parliamentary debate. The United Nations as a body falls far short of providing safe guidance for the social, legal, and economic welfare of the nations of the earth.

These and many other matters rested in Russell's thoughts, as he decided to stand in the Australian Constitutional Convention election, not the least of which were the dire scriptural prophecies pertaining to the forfeiture of religious and civil liberties prior to the return of our Lord. The issue in Russell's mind was not the monarchy versus the republic, but rather, the maintenance of liberty in Australia and a distrust of the wisdom and integrity of the nations today to incorporate successfully such liberties, devoid of dangerous loopholes, in a new constitution.

Chapter 32

Candidate's Policy

THIS chapter sets forth details of some of the advertising material sent forth in support of Russell's election campaign. This will provide a small insight into his policy. His media release follows.

A Candidate with a Difference

Mt. Dandenong resident, Dr Russell Standish, has nominated as a candidate for election to the Constitutional Convention which will convene February 2–13, 1998. Dr Standish is a candidate with a difference. While most nominees are standing on a platform of either:

1. Support for the establishment of a Republic, or
2. Support for the retention of Queen Elizabeth II as titular head of state, Standish sees neither of these positions as central to the constitutional debate:

"The matter concerning the issues of a Republican or a Monarchist Constitution is not the crucial issue in the present debate," Standish asserts. "The central issue is the Constitution itself."

He poses a question which he considers worthy of close consideration:

"Is Australia's present state of politics and society as a whole, conducive to wise and considered deliberation on the matter of the formulation of a new Constitution, one which will protect the civil and religious freedoms of our nation, which we covet so assiduously?"

Standish does not think so.

A graduate with a major in Modern History, including the History of Australia, from the University of Sydney and a First Class Honours Degree in Educational Psychology, Standish has carefully studied the moves to Federation and the Constitutional Conventions held a century ago. He concludes that the political atmosphere and the state of society then, stood in stark contrast to that of today. He quotes a conclusion drawn from the book *Slouching Towards Gomorrah?* written by Robert Bork, former United States Solicitor-General and U. S. Supreme Court Justice nominee. Bork states in his book:

"We must take seriously the possibility that perhaps nothing will be done to reverse the direction of our culture, that the degeneracy we see about us will only become worse."

Standish believes this statement could well apply also to Australia at the end of the twentieth century. Social standards of the citizens of our nation and of the politicians who rule us have demonstrated a serious decline in the last one hundred years. It is exceedingly doubtful, Standish believes, that the wisdom and clear insights into the preservation of the welfare and the protection of the freedoms of each individual citizen, so evident in our present Constitution, will dominate the thinking of those who would be entrusted to frame a new Constitution. In today's climate of ill-considered change, uncertainty of social standards, and social decline, we could rather expect the inclusion of measures poorly constructed to protect our future. *The Clemenger Report* found that:

"Australians are deeply concerned about the pace of change in their society. They feel changes are random and uncontrollable."

Standish concludes that such an absence of a clear national identity and course, and the present volatility of public opinion, contrasts markedly from the 1890s where stability was the watchword of the day. Thus, this is not the moment in our history to forge a change in an element of our lives as significant as the Commonwealth Constitution, for none can predict how the final outcome will impact upon each Australian's life and the lives of future generations. What we do know is that the 1901 Constitution with its 96-year-long track record is serving us well, very well indeed! It is time, long overdue, for Australians to rise up and defend its continuity.

When questioned about the prospect of a "minimalist" constitutional alteration, simply exchanging a President for a Governor-General, Standish points out that the very structure of the 1901 Constitution will not permit such a simplistic approach. For a new Constitution along these lines to make sense, deeper alterations than these are mandatory. Further, Standish suspects that once the Constitution is opened up for major review, many politicians and Constitutional

activists and members of the judiciary will find it impelling to endeavour to have their own agendas inserted into the articles of the Constitution. He believes that it is time to make the Constitution itself the central issue, and not the political debate of the Republic versus the Monarchy.

Apart from our indigenous peoples, all of us are either migrants, or descendants of migrants who entered this country less than 210 years ago. Those who came to settle as part of our nation following the conclusion of hostilities after the Second World War, chose Australia because of the unusual freedom of life which it affords us. Our unobtrusive Constitution is so beneficial to our well-being that its details are seldom considered. This, in itself, is a powerful testimony, Standish believes, to its wise and citizen-friendly principles.

Standish is a sixth generation Australian with a passionate love for Australia. His British ancestors (English, Irish, and Scottish) arrived in Australia in 1844, and his 25 per cent German ancestors settled in the Barossa Valley in 1849. Dr. Standish himself is both a consultant physician and a clergyman. He graduated as a physician from Sydney University in 1964 and pursued specialist studies in London and the Royal Berkshire Hospital in England, obtaining his membership of the Royal College of Physicians of the United Kingdom in 1970. He was elevated to the Fellowship of the Royal College of Physicians of Edinburg in 1983, and to that of Glasgow the following year. He held the post of Deputy Medical Superintendent of the Austin Hospital, Melbourne, 1975–78, and for a number of years in the 1980s, conducted a specialist practice in Harley Street, London. Dr. Standish also spent twenty years in Medical Mission Service in Southeast Asia (Malaysia, Thailand, and Singapore). He also holds the Theological Normal Diploma of the Australasian Missionary College. With his identical twin brother, Dr. Colin Standish, M.A.(Hons), M.Ed., Ph.D. (Sydney University), President of Hartland Institute, Virginia, U.S.A., Russell Standish has authored twenty-three books, and four others are presently in preparation. These books cover a very wide spectrum of subjects including Education, Religion, Prophecy, History, Psychological Counselling, Cosmology and Biological Science, Religious & Civil Liberty, Natural Law, and Autobiography. The books authored by the Standishes have been published worldwide. Together they have lectured on all inhabited continents.

Russell Standish's election statement, confined by regulation to fifty words, will appear in the Candidates' Statement booklet which will be posted along with ballot papers to all Victorian electors between Nov. 3–14. Ballot papers have to be returned by Free Post to the Commonwealth Electoral Office, Melbourne, by December 9.

Standish's election statement reads:

OUR CONSTITUTION IS SERVING US WELL

Our constitution, which is serving us well, will be jeopardized. Today's atmosphere of political dishonesty and social breakdown warns that presently any constitutional alteration is unsafe. I, a

consultant physician, historian, author, clergyman, international lecturer, student of the constitution, offer an informed voice representing citizen freedom.

Keep our constitution safe!

We present two extracts from the advertisements placed on behalf of Russell's candidature.

It is time to put aside the emotional arguments surrounding the Monarchist vs the Republican issue—

OUR CONSTITUTION

IS AT STAKE

Dr. Standish understands and shares the gratitude and nostalgia of the Monarchists. Similarly, he shares the patriotism of the Republicans. But the central issue of the present Constitutional debate is THE CONSTITUTION itself.

It is time to put aside the emotional arguments surrounding the Monarchist vs the Republican issue.

What Victorians require at the Constitutional Convention, are representatives who have studied the Constitution together with the political and social climate of today.

THERE CANNOT BE A "MINIMALIST" ALTERATION OF THE CONSTITUTION in order to simply delete the post of Governor-General, and replace it with the post of President. Any student of the Constitution will discover that no less than seventeen Articles of the Constitution provide prerogatives for the Monarch quite separate from those of the Governor-General. The Monarch, for example, is a designated part of the three most powerful arms of any nation—the Legislative, Executive, and Judicial functions. Further, the Monarch is the titular head of our Defence Forces and has the right to annul any law enacted by Parliament.

The Monarchy has a long track record of restraint in exerting these powers. But could we feel secure that an ambitious President would show similar restraint? Are we ready to imperil our freedoms and trust in an appointed or elected figure? All these matters must be seriously considered and would inevitably lead to a major reconstruction of our Constitution. Senator Robert Ray, senior Labor Party broker, was absolutely correct when he asserted:

"The minimalist position—Mr Keating's 1995 view that only minimal changes to the Constitution was needed, and would be accepted by the community to transform Australia into a republic—was deeply flawed." (*The Australian*, Oct. 9 1997)

Victorians must preserve our Constitution, it is serving us well. The fact that the vast majority of Victorians do not recall a single one of the 128 Articles of our Constitution is proof of its effectiveness and power. If our liberties and way of life were restricted by our constitution, we would well know these Articles causing us such serious deprivations.

This is *not* the time to undertake a major reconstruction of our Constitution, which continues to serve us so well. A century ago, when our present Constitution was established, political and social conditions were quite different from today. Is Australia's present state of politics and society as a whole, conducive to wise and considered deliberation on the matter of formulation of a new Constitution, one which will protect the civil, social, and religious freedoms of our nation, which we covet so assiduously? Are our politicians honest? Do they place the good of the nation before their personal advantage? Is society at this time stable and considered in its deliberations? The *Clemenger Report* in the late 1980s found that,

"Australians are deeply concerned about the pace of change in society. They feel changes are *random* and *uncontrollable*." (emphasis added)

The report identified "AIDS, crime, family breakdown, and community fragmentation" as the crucial issues destabilizing Australian society today.

Thus, now is not the time to alter our tried and trusted constitution, which has—

% Provided a haven of peace, security and liberty for millions who have come to this country from other nations whose Constitutions have impinged upon their freedoms and peaceful existence.

% Provided all Australians with a standard and quality of life which is the envy of most nations upon earth.

Your CANDIDATE, DR. RUSSELL STANDISH is—

% A specialist physician

% Former Harley St. specialist (London)

% Former Deputy Medical Superintendent of the Austin Hospital, Melbourne (1975–78)

% An historian. Holds a major in Modern History, including Australian History, from Sydney University and author of four historical works

% With identical twin brother, Colin Standish MA, MEd, PhD (Sydney University), President of Hartland Institute, Virginia, U.S.A., is a co-author of 23 books on history, biological and physical science, civil and religious liberty, natural justice, religion, education, and psychology.

% International lecturer—all six inhabited continents

% Former Medical Missionary to Malaysia, Thailand, Singapore.

% A sixth generation Australian (British ancestors arrived 1844; one quarter German ancestry, who arrived Australia 1849).

LET VICTORIA LEAD OUR NATION IN STANDING IN DEFENCE OF OUR CONSTITUTION

An extract from a second advertisement follows—

It is time to put aside the emotional arguments surrounding the Monarchist vs the Republican issue

OUR FREEDOM IS AT STAKE

Our 1901 Constitution has provided us with almost a century of Civil and Religious Freedom

Let it not be forgotten that forces are within our nation which are designed to take these freedoms from us. A full scale reconstruction of Constitution will provide the very avenue sought to subvert our liberty

Victorians under the present Australian Constitution possess freedom of speech, the right to frankly and openly express their opinions, their concerns, and dissent from political decisions. Let us oppose any moves which will jeopardize this freedom. Religious liberty provides the right to practice the Christian Faith or any other faith or no faith at all. It is the precious right of Freedom of Conscience for all Australians:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Article 116 of the Australian Constitution

Let all Victorians preserve Freedom of Religion as a guarantee of Liberty of Conscience for both believer and unbeliever alike.

A generation of migrants have chosen to come to our shores in order to flee Civil and Religious persecution because our 1901 Constitution provided freedom. Let us take no action to lose such liberty. Since Federation, Australians have in Referendums rejected proposed changes to the Constitution 34 times —WHY?

1. Because our present Constitution is serving us well. It was designed with care and foresight.
2. Because in later years, the political and social climates prevailing in Australia have not been seen to be conducive to wise and statesman-like alterations.
3. The Constitution was already protecting our freedoms.

The present prevalence of political dishonesty, society fragmentation and family disintegration all impress upon Victorians that—

THIS IS NOT THE TIME
TO ALTER
OUR CONSTITUTION

Chapter 33

Russell's Report

REPORT ON:

Russell Standish's Candidature For The National Constitutional Convention

The Constitutional Convention to be held in Canberra, February 2–13 1998, is a significant historic event. As one of Australia's most renowned political commentators, Lauri Oakes, stated, "Those who have dismissed the Constitutional Convention as a time-wasting talkfest, are almost certainly wrong." (*Bulletin*, Nov. 18 1997)

An editorial in the *Melbourne Age*, Nov. 20 1997, referred to the Convention as the body which would "discuss proposals for what may be the most far-reaching change in Australia's system since Federation."

Federal Senator Grant Chapman of South Australia, has written, "The Constitution will be the most significant event in Australia's Constitution history since Federation in 1901. As a proud Australian, I support the retention of the existing Constitution; however, I strongly urge all South Australians to exercise their democratic right to vote in this voluntary election. If you want to have a say in Australia's future, please fill in your Ballot form and return it promptly." (Brochure delivered to every householder in South Australia)

Senator Chapman went on to say, "This is an election to decide the future of Australia—not for three years, but for the next century. This election will send delegates to a meeting which could decide on a new system of government for Australia.

"Let's be clear on the system we now have. The Australian Constitution ensures that no one person can hold absolute power—not a Judge, not a Prime Minister, not a Governor-General and certainly not the Queen. Separating power between people and institutions (the High Court, the Parliament, the Crown) makes sure that the whole system of government must act before laws are enforced on the people. *It is a Constitution designed for freedom.* The Crown—the State Governors and the Governor-General—is the non-political heart of our democratic system. It is the umpire in a sea of ambition and political intrigue. In a Republic, the umpire is also one of the players. Power is concentrated in the hands of politicians, who want to appoint the President as well as the Judges. Perhaps that is why Republics have so much political unrest. Ask the crucial

question, "Will I be happy, safe and free in a Republic run by politicians?" (Ibid., emphasis supplied)

Following the Australian Broadcasting Commission (ABC) Radio 8.00 am News bulletin on Jan. 2 1998, two delegates to the National Constitutional Convention—one a Republican, the other a Monarchist—were interviewed. Both asserted that the scope of the matters that will be discussed at the February Convention has greatly expanded since the Parliament voted the Act to establish a National Constitutional Election. Initially, it was thought that the delegates would confine themselves to the issue of whether Australia should become a Republic or not. Later, the Prime Minister stated that he desired that the Convention would produce a consensus as to the type of Republic which should be placed before Australian voters in a Referendum to decide the issue. Now the scope of the discussion is bound to include details of proposed Constitutional Articles. Each of the delegates interviewed stated that if Australia became a republic, this would require massive alterations to our Constitution. In this, I believe, lies the peril of the wholesale alterations implicit in the design of a Republican constitution. Both interviewees were agreed that if all participants treat it very seriously, the Convention will be a Once-in-a-Century stocktake, and that in another one hundred years, we will know if we have received value for money from the Convention deliberations, which will cost \$14 million. A century is a very long time to endure the consequences of a faulty Constitution.

My decision to stand as a candidate was based upon three matters:

First, that in my third year of History at Sydney University in 1957, I had studied the History of the Federation movement of the late nineteenth century and the various Constitutional Conventions of the 1890s; which led to the six Australian colonies federating as the Commonwealth of Australia on January 1 1901. This had aroused my interest in our Constitution.

Second, I have a deep appreciation of the civil and religious liberties this nation affords its citizens. Having resided overseas for twenty years, and because my speaking appointments take me to every inhabited continent, I have first-hand experience of the restrictions of liberty in the majority of over eighty nations I have visited. I believe that with current trends in our nation, both political and social, there is a decided danger that the liberties we tend to take for granted in this country could be seriously curtailed in the process of the wholesale alteration of our Constitution, which would likely result if we adopted a republican form of government. Further, all Christians should be mindful of the plain words of Scripture which describe the imperiling of religious liberty throughout the world in the days prior to Christ's Second Coming. It is not the purpose of this report to undertake a detailed exposition of the symbolic terms "image to the beast" and "mark of the beast." Those who requested and received the 2,000 year history of civil and religious liberty from an historical and Scriptural viewpoint in the book, *The Great Controversy*, will have in their possession an insightful and masterful analysis of these terms. Any who do not possess this book may receive it free upon request from my office (P.O. Box 175, Kalorama 3766). I cite the significant scriptural prophecy which warns of both an economic boycott and death decree upon religious dissenters:

And deceiveth them that dwell on the earth by the means of those miracles which he had power to do in the sight of the beast; saying to them that dwell on the earth, that they should make an image to the beast, which had the wound

by a sword, and did live. And he had power to give life unto the image of the beast, that the image of the beast should both speak, and cause that as many as would not *worship* the image of the beast should be killed.

And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads:

And that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name.

Here is wisdom. Let him that hath understanding count the number of the beast: for it is the number of a man; and his number is Six hundred three score and six. Revelation 13:14–18 KJV, emphasis supplied

It will be observed that the key issue is one of worship (verse 15). In the same chapter, verse 1, the prophecy foretells an era when almost all the world would adopt a common worship—a few, faithful to God, excepted:

And all that dwell upon the earth shall *worship* him, whose names are not written in the book of life of the Lamb slain from the foundation of the world. Revelation 13:8, emphasis added

This prophecy should cause us to pause and consider the thrust of the current ecumenical movement, which is moving beyond the bounds of Christianity to non-Christian faiths. I have no sympathy for wild-eyed alarmists, but I do possess a profound belief in the plain words of Scripture, and I am convicted that it is our duty to delay, as long as possible in God's providence, the fulfillment of these prophecies, so that our citizens in Australia's secular society may be acquainted with scriptural truths.

My third reason for standing in this election is that I am a Seventh-day Adventist minister. I was not personally aware of the profound impact of Seventh-day Adventists upon the religious aspects of our Australian Constitution until I purchased the book *Unto God and Caesar – Religious Issues in the Emerging Commonwealth 1891–1906* authored by Richard Ely, now Professor of History at the University of Tasmania. Professor Ely is an ordained Presbyterian minister. The book was published by Melbourne University Press in 1976. The author devoted two of his fifteen chapters to the impact of Seventh-day Adventists (chapter 3, "Campaign and Counter Campaign", and chapter 6, "The Adventists Persevere"); and provides mention of their work in respect of the Constitution in five further chapters. I purchased this book in 1993. It had a profound impact upon my thinking. When the Constitutional Convention was called, I was impressed to nominate as a candidate. Ringing in my ears was Professor Ely's judgment that,

There was about the Adventist campaign a professionalism, an efficient adjustment of small means to large ends, which the recognitionist's [those who desired some measure of union between church and state] effort mostly lacked. For a church that so rigorously and with such determination believed in the separation of Church and State, the Adventists played politics very well." Richard Ely, *op. cit.*, pp, 44, 45

In the 1890s there were fewer than 1,000 Seventh-day Adventists in the entire nation. I cherish their insistence that religious liberty be granted to all, believer or non-believer, and that there be a marked separation of church and state; in this they demonstrated profound wisdom, for history testifies to the fact that the union of Church and State almost always leads to persecution of dissenters. It was largely due to this small group of Seventh-day Adventists that Article 116 of

the Australian Constitution, which has protected our religious liberties so well for the past 97 years, was inserted. It contains two important clauses: an—

Anti-establishment clause, and a—

Free exercise clause;

and is demonstrably patterned upon the First Amendment of the United States Constitution.

Article 116 states:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Unlike the Seventh-day Adventist Church leadership a century ago, the Seventh-day Adventist Church leadership of today decided: "The church isn't making recommendations on which way to vote [in the Constitutional Election]." (South Pacific *Record*, Nov. 29 1997)

This decision reflected the commendable policy of my church in eschewing interference in politics, associated with what I believe to be an underestimation of the significance of the Constitutional Convention. Thus I felt it a personal duty to stand in the tradition of the Seventh-day Adventist pioneers in this nation, not for political motives, but in order to uphold the great religious and civil freedoms essential to our well-being.

1. Brochures - 150,000 distributed by friends and supporters throughout the state.

2. Public Addresses (1997):

Nov. 2 Wodonga, Victoria

Nov. 13 Lilydale (Melbourne), Victoria

Nov. 15 Pinjarra, Western Australia

Nov. 17 Goodwood (Adelaide), South Aust.

Nov. 22 Auckland, New Zealand

Nov. 29 Clayton (Melbourne) Victoria

Dec. 1 Hobart, Tasmania

Dec. 2 Launceston, Tasmania

Dec. 3 Davenport, Tasmania

Dec. 5 Arcadia (Sydney), N.S.W.

Dec. 9 Port Macquarie, N.S.W.

Dec. 13 St. Lucia (Brisbane) Queensland

Dec. 16 Atherton Tableland, Queensland

Dec. 17 Cairns, Queensland

Dec. 20 Morisset, New South Wales

3. Newspaper Advertisements

a. Melbourne Metropolitan Weekly Newspapers – Week Oct. 27–31 & Week Nov. 3–7 - 30 newspapers each week.

b. Victorian Rural Newspapers - Week Nov. 3–7; Week Nov. 10–14 - 21 newspapers each week.

c. Stock & Land (Farmers' Newspaper) November.

d. The Strategy, October 1997.

4. Newspaper Articles

a. Yarra Valley Post Oct. 14 1997

b. Lilydale Express Oct. 20 1997

c. Melbourne Sunday Age Nov. 9 1997

5. Internet

a. Candidate Bill Liao's Personal Home Page

b. <http://www.the menu com./russell standish>

6. Radio Interviews

a. A.B.C. Radio 3LO Oct. 14 1997

b. F.M. Radio South East Nov. 9 1997

c. Commercial Radio 3AK Nov. 19 1997

(interviewed from Adelaide)

d. ABC Radio National Dec. 3 1997

(interviewed from Swansea, Tasmania)

7. Media Release

Sent to newspapers, radio, and television stations.

8. Billboards

200 placed on busy highways around the state.

9. Free Books – *Great Controversy* and *New World Order*

- Number requested: 360

1. Number of Candidates for Victoria 158

2. Number elected as delegates 16

3. Number of Primary Votes received by me . . . 10,896

4. My position in Primary Votes . 17th of 158 Candidates

5. A preferential system of election was utilized. As a result, 8 of the 16 elected delegates received fewer Primary Votes than I received. These were:

Mary Delahunty (Aust. Republican Movement) –

Primary Votes received. 9,187

Steve Vizard (Aust. Republican Movement) –

Primary Votes received. 7,608

Moira Rayner (Real Republic) –

Primary Votes received. 4,340

Lindsay Fox (Aust. Republican Movement –
 Primary Votes received. 2,735

Poppy King (Aust. Republican Movement) –
 Primary Votes received. 1,833

Jim Ramsey (Australians for Constitutional
 Monarchy) – Primary Votes received. . . . 803

Sophie Pannapoulos (Australians for
 Constitutional Monarchy) –
 Primary Votes Received. 788

Vernon Wilcox (Safeguard the People
 [Monarchist]) – Primary Votes received . . . 595

6. Of the 158 Victorian candidates, 91 received less than 1,000 votes. Of these, 23 received less than 100 votes.

7. Throughout Australia, there were 609 candidates for a total of 76 seats at the Convention:
 Number of delegates:

N.S.W. 20

Victoria. 16

Queensland. 13

Western Australia 9

South Australia 8

Tasmania. 6

Australian Capital Territory. . . 2

Northern Territory. 2

Of these 609 candidates throughout Australia:

Number receiving less than 10,000 Primary Votes 539

Number receiving less than 1,000 Primary Votes 332

Number receiving less than 100 Primary Votes 114

8. Lowest number of Primary Votes by any candidate 5

9. Lowest number of Primary Votes received by any candidate in each state and territory:

N.S.W. 25

Vic. 20

Qld 8

W.A. 17

S.A. 14

Tas. 52

A.C.T. 74

N.T. 5

10. Since Victoria had 158 candidates and only 16 were elected, 142 candidates had to be eliminated by the tedious process of eliminating first the candidate with the least votes and distributing his/her votes to the candidates who received the second preferences of those voting for this least successful candidate. The new totals were then inspected and the candidate with the least votes of those remaining was then eliminated and his/her votes were distributed to candidates who were placed second on the ballot papers of his/her primary votes. This process was repeated until 142 candidates were excluded.

In this complicated procedure, I was the 132nd candidate to be eliminated.

11. I thank God, and the citizens of Victoria who supported my candidature, that I came so close to success, since I was hardly known in Victoria, having resided in the state only five years since my return from overseas mission service. In that time, I have spent well over half of each year away from the state on overseas and interstate speaking appointments. I conduct a self-supporting ministry—Remnant Ministries. I also stood as an Independent. Yet many candidates of stature in the state of Victoria were eliminated before me. These included:

Sir Richard Hamer, former Premier of Victoria,

eliminated. 131st

John Stone, former Australian Senator and head of the
Federal Treasury, eliminated. . . 126th

Peter Ross-Edwards, former Leader of Victorian
National Party, eliminated. . . . 109th

Numbers of others with honours from the Queen, city councillors, city mayors and national organization leaders.

I placed my candidacy in God's safe hands. With unsolicited financial assistance from wonderful friends and acquaintances in the five mainland states, I was able to mount a satisfactory campaign in which a percentage of the citizens of the state were able to judge my convictions and vote according to the support or otherwise of those principles.

Percentage of citizens voting for republican candidates in each state were:

N.S.W. 60.4

W.A. 60.2

Qld. 54.8

Vic. 54.4

S.A. 48.4

Tas. 46.3

Thus I rest perfectly content in the results obtained.

In a secular sense, had the Australians for Constitutional Monarchy and the Safeguard the People groups, demonstrated more wisdom in their distribution of preferences, they could possibly have propelled another candidate supporting the present Constitution into the Convention. But both apparently failed to understand adequately the preferential system of voting, and thus squandered many preferences, when many of their candidates were eliminated early in the count and their excess preferences were then discarded. Instead of providing support of our present Constitution, they simply chose to exchange preferences with one another (the Australians for Constitutional Monarchy (ACM) had sixteen candidates and the Safeguard the People (STP), six, and thus provided no preferences after twenty-two. The ACM achieved three candidates elected and the STP, two, but their other candidates were eliminated early, and thus their excess preferences went nowhere. The thirteen ACM candidates who were not elected were eliminated in the following order: 15, 20, 25, 31, 35, 44, 49, 50, 59, 73, 99, 105, 109. The four STP candidates not elected were eliminated at numbers 28, 60, 65, 80. Besides myself, another candidate supporting the present Constitution remained well after these groups were eliminated at 109. We would

have greatly benefited from their excess preferences. Altogether over 102,438 votes were lost in this manner by candidates who did not utilize the preferential system wisely.

The Declaration of the Poll on Dec. 23, 1997, was a highly emotional affair. Although all 158 Candidates had the right to speak, only thirteen did so—eight successful candidates and five unsuccessful ones. The leading republican delegate, who spoke first, set the tone by claiming a mandate for the republic before the deliberations of the Convention had commenced. Further, apparently a couple of people were very quietly speaking during this candidate's speech and he exclaimed:

"I trust we will be accorded more respect in Canberra [The Australian capital city, where the Constitutional Convention was held] than I am receiving here with people trying to talk over my speech!"

Some of those present interpreted this statement as unwarranted arrogance. One delegate, whose party is as yet uncommitted, sternly took the republican to task for declaring the republic to be a *fait accompli*. Most of the delegates who spoke gave uninspiring speeches, but it was John Cleary, one of only two independents elected in Australia, (the other was a Tasmanian), who gave easily the best speech among those elected. He was a two-term member of the House of Representatives as an Independent with strong socialist leanings. He succeeded to the seat of Bob Hawke, former Prime Minister, when Mr. Hawke vacated the House of Representatives. Mr. Cleary stood in this election as an Independent Republican. Although I do not share his republican views, nevertheless I felt that Mr. Cleary spoke forcibly, responsibly, and with some substance. This distinguished him from other delegates who spoke on this occasion.

Three of the five unsuccessful candidates who spoke, really brought heat into the Declaration of the Poll. One Monarchist candidate indicated by name that the leading Republican elected delegate, who is a renowned football commentator, was a disgrace, and proceeded to launch into a personal diatribe against him. Another candidate, an independent republican, congratulated the sixteen elected as delegates "*in this unjust and unfair election*"! Emotionally, he demanded that they remember that they were elected unjustly and thus were duty bound to serve Victoria well. He complained that the candidates representing groups were arbitrarily placed in the ballot paper before the independents, and thus received the "*donkey vote*" (the votes of those who simply vote for the first name on the ballot paper).

At the time of the draw for position on the ballot paper, one republican with an Irish accent stated:

"It would save a whole lot of trouble if you'd just wipe the monarchists off the ballot!"

He said it, not in humour but in venom. Bruce Ruxton, the President of the Victorian Returned Servicemen's League, who lead the Monarchist group, "Safeguard the People," shouted in retort:

"You mean to tell me that you [underlined] are a candidate in this election! If the likes of you are standing, then there's no hope for Australia!"

This same man spoke, unnecessarily emphasizing his Irish genes three or four times, at the Declaration of the Poll. He launched into a vitriolic attack on the Queen, determining to write her a letter advising her to "pack her bags" and stay home in England. He then spitefully attacked the Monarchist candidates, declaring that they did not possess a brain in their heads. It was just as well that Bruce Ruxton was not present, or we might have seen Armageddon.

Officials of the Australian Electoral Commission were bemused by the extent of the emotional outbursts. They said to me privately, "*This was much more fun than Senate elections!*"

At the Declaration of the Poll, I took the opportunity to speak. I urged the delegates to remember that the citizens of Victoria were counting upon them to promote our religious and civil liberties. I also warned them of the dangers inherent in promoting anti-vilification articles in our Constitution. Last, I courteously suggested that the Australians for Constitutional Monarchy and the Safeguard the People groups could have demonstrated greater wisdom in the cause they espoused, had they distributed their preferences more effectively. I urged them to think more wisely at the Convention, and in the run-up to the almost inevitable Referendum on the Republic. I was surprised that my speech was accorded the largest ovation of all presented. One independent Monarchist candidate later apologized for not getting his preferences in before the deadline, as he had left it to his wife to submit them. He thus wasted 3,259 votes as he was eliminated number 112.

I was a delegate to the Moreland Council Local Constitutional Convention held November 9 1997, chaired by former Victorian Premier, John Cain. Similar local Constitutional Conventions are being held around Australia and their recommendations will be sent to the National Constitutional Conventional for consideration.

The Centenary Constitutional Foundation constructed the questions posed for these Conventions. Half the twenty-four questions dealt with the type of republic desired, while the other half significantly dealt with citizens' freedoms. The morning session was devoted to eight sub-groups composed of about fifteen delegates in each. In the afternoon, a plenary session was conducted at which each sub-group rendered its recommendations and the delegates voted their suggestions for the National Convention.

Although I made a number of contributions in the sub-group to which I was assigned, I determined to confine any comments I made in the plenary session, to the matter of liberty. Such an opportunity arose on two occasions.

In discussing the subject of the liberties which should be enshrined in our constitution, concern was expressed that such a list could not be comprehensive, and the absence of some liberty may disadvantage some citizens. Thus there was a growing mood to adopt an article in the Canadian Constitution which provides that rights "*are subject on to some reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*" Some delegates admired the vagueness of this statement and suggested that a similarly vague statement to cover all liberties would be a greater protection than an article which specifically stated rights.

For a time it seemed that this suggestion would prevail. This trend of thought greatly concerned me and I spoke to the point, emphasizing the need to specify salient freedoms such as conscience and religion, thought, belief and expression, peaceful assembly, association, movement within the country as well as the right to leave Australia and return, and a number of others. I conceded, of course, that such a list could never be exhaustive. Thus I felt it appropriate to complete the list with a "cover-all" article to which those whose liberties were breached in a manner not specified in the rights accorded citizens in the Constitution, could appeal. This suggestions was accepted.

My second and last contribution, was, I believe, even more important. The body had already added a clause akin to that in the South African Constitution which forbids the "*advocacy of hatred that is based on race, ethnicity, gender or religion and that constitutes incitement to cause harm.*"

In the Federal and Victorian parliaments there have been moves during the present decade to enact similar measures, known as anti-vilification laws. Clearly, no true Christian would wish to vilify any individual, but the history of such anti-vilification laws is a poor one.

I lived in a non-Christian country which had an anti-vilification article in its Constitution prohibiting vilification of the state religion and its holy book. A New Zealand Christian simply spoke of his love for Christ and the blessings he obtained from the reading of the Bible to a man professing the state religion. The New Zealander was arrested on the grounds that his words contained an implied denigration of the state religion and its holy book. Had it not been for the diligent efforts of the New Zealand High Commission, he would have faced a long gaol sentence. A New Zealand Consular official attended every day of the court hearing. As a result the individual, although found guilty, was sentenced to one day's gaol, immediate deportation, and a lifetime ban from entering the country.

I spoke against the antivilification measure, suggesting that such an article could seriously jeopardize the liberties we were agreed to recommend. I mentioned the matter described above. My submission proved effective and the anti-vilification matter was expunged from the recommendations.

We can, each one, make a real difference. I suggest you inquire as to whether your local council is holding a Constitutional Convention and seek to be accepted as a delegate. Further, every citizen has the right to write to Senator Nick Minchin, Parliament House, Canberra, A.C.T. 2600, with his or her concerns related to our Constitution. These letters will be registered as official Convention documents and you will be given their official document number. When I sent my document, fewer than 500 had been received.

I desire three major alterations to our Constitution but these can only safely be made in single referendums, not as part of a major reconstruction of our Constitution. We need time to analyze carefully each alteration to ensure its long-term as well as short-term benefits to the nation and each individual citizen. We must be wise to discern any unintentional opportunities for future governments to imperil the liberties we now enjoy.

The three additions to our Constitution which I would recommend are:

1. The exclusion of United Nations Conventions and Foreign Treaties from our Australian law. These breach the sovereignty of our nation.
2. High court Justices should confine their decisions to the interpretation of law, not engage in the making of law. It is unsafe to have non-elected judges making decisions which in effect become laws. In this manner they usurp the prerogatives of parliament.
3. Civil liberties should be guaranteed in our Constitution. Presently, our religious liberty is guaranteed, but very few civil liberties are specifically written into our Constitution.

It is likely that in 1999 a referendum will be held throughout Australia to determine whether Australia will retain its monarchist Constitution or become a republic. I believe that despite the present omens, there is a real possibility that the people of Australia, if properly informed, will reject the republic. I propose to hold a series of meetings around Australia in 1999 concerning this issue. As a minister, I shall speak both from a Biblical and historical viewpoint, for I believe that Christians need to be alert to the full implications of any measure likely to reduce their religious and/or civil liberties. Already I have two locations tentatively booked. If you desire to arrange such a meeting series in your locality, I would welcome your suggestions, although time constraints will limit my ability to accept all offers. I am convicted that I have a duty to continue the fight for the preservation of our precious, God-ordained liberties.

The defence of our Constitution is not yet completed. I believe that the fact that in the States of Tasmania and South Australia, candidates supporting our present Constitution received more votes than those desiring to alter the Constitution by changing to republican form of government, is a positive sign. For a referendum to succeed, there must be an overall majority of the citizens of Australia in support, and at least four of the six states must provide a majority. Therefore, one further state only needs to be convinced of the dangers of a wholesale reconstruction of our Constitution, for the move to a Republic to be defeated.

Incredibly, I have received two offers of support to stand for parliament, one of which was for the Senate. But I am a minister of the gospel. This is my calling.

Thank you ever so much for your support for my candidacy. I feel humbled by your confidence in me, a man almost none of you have met. May our dear Lord bless you and your families in 1998 and may each grow in grace.

Chapter 34

Bendigo Promotes Sunday Law

GROUP of citizens in Bendigo known as the Save our Sunday (SOS) group, has petitioned the City of Greater Bendigo, Victoria, Australia, to proscribe Sunday trading. As a result, a Referendum was conducted to determine the will of the citizens. "The Save our Sundays group

has hailed a decision to proceed with a Sunday trading referendum [on April 4] as a 'victory for democracy.'" (*Bendigo Advertiser*, 26 Dec. 1997) Whether or not it was a victory for democracy, it was most certainly an alarming breach of religious and civil liberties.

Keith Allen, the Moderator of the Presbyterian Church in Victoria "threw his support behind the campaign against Sunday trading during a visit to Bendigo yesterday," (ibid., May 8 1997) and Catholic Bishop Noel Daly and Uniting Church's Kerrie Graham spoke against Sunday trading." (Ibid.) The Uniting Church of Australia is a 1977 union of Congregationalists, Methodists, and two-thirds of Presbyterians.

It would seem that these clerics possess little understanding of the principles of religious and civil liberties. They appear to have learned no lessons from history. Nor does each apparently recall the fact that in centuries past, members of their denominations suffered severely because majority religions forced their religions upon them and thus breached their convictions.

Curiously, the chief opposition arose, not from those religious organizations whose religious prerogatives would be breached by the Sunday law, such as Sabbath-keepers (Seventh-day Adventists), members of non-Christian faiths (such as Moslems), nor even from free-thinkers, agnostics, or atheists; but from "Twelve Bendigo tourism and business organizations." (Feb. 23 1998) Thus financial loss appeared to be a greater motivating force than the potential loss of civil and religious liberties.

Two Seventh-day Adventist laymen, Donald Wilson of Meldiva and Lance McNeill of Bendigo were exceptions to this statement. They wrote a number of letters setting forth their objections to city's leading newspaper, *The Bendigo Advertiser*.

Alerted of this crisis of religious liberty upon his return from a speaking tour of Singapore and India, just one week prior to the commencement of the postal vote, with the issue being judged to be very finely balanced between those favoring and those opposing the matter, Russell decided to take up the issue. Two advertisements were inserted in the Bendigo newspaper and one letter to the editor written. The statements in these media avenues were as follows:

Advertisement 14 March, 1998

(The postal ballots were posted out commencing 17 March, 1998)

SUNDAY TRADING REFERENDUM

March 16–April 3

OBJECTION NO. 1

This referendum has been promoted by Christians living in the Bendigo District who are convicted that Sunday is a sacred day of worship. They have organised their campaign under the slogan,

SAVE OUR SUNDAYS (SOS).

Thinking Christians, believers in other faiths, and non-believers will ask themselves the crucial question before delivering their vote,

SAVE OUR SUNDAYS FROM WHAT?

Since its founding, Sunday-worshippers in Bendigo have possessed perfect liberty to:

Worship on Sundays,

Close their business on Sundays,

Refrain from shopping on Sundays,

Pursue their children's education on days other than Sunday,

SO FROM WHAT DOES SUNDAY HAVE TO BE SAVED?

We thank God and the Australian Constitution that all convicted Sunday-observers in Bendigo possess their inalienable right to religious liberty. This is true freedom. Wise statesmen 100 years ago guaranteed this liberty in our Australian Constitution which was confirmed by the citizens of our nation in an Australia-wide referendum.

Article 116 states:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

DO THE CITIZENS OF BENDIGO WISH TO CONTRAVENE OUR WISE CONSTITUTION—

- by establishing the religious convictions of one segment of citizens?
- by imposing their religious observances on others?
- by prohibiting the free exercise of religion?

Seventh-day Adventists and Jews observe the Bible Sabbath (Saturday) as a day upon which they refrain from business. *They* do not seek to impose their convictions upon the other citizens of Bendigo.

Moslems keep Friday holy. *They too* have refrained from seeking to enforce their religious practice upon those citizens of Bendigo not of their faith.

Citizens of this city who possess no religious convictions whatsoever have not sought a referendum to empower the city authorities to enforce work and business activities on those who do possess sincere religious objections to such practices on their days of worship. On what moral grounds then do Sunday-keepers seek the enforcement of their beliefs?

THE ISSUE AT STAKE IN THIS REFERENDUM IS THE PRESERVATION OF THE RELIGIOUS AND CIVIL LIBERTIES OF EVERY CITIZEN OF BENDIGO.

VOTE *NO* IN THE SUNDAY TRADING REFERENDUM AND PRESERVE THE FREEDOMS OF ALL DWELLERS IN BENDIGO. LET BENDIGO SET AN EXAMPLE TO AUSTRALIA AS A CITY WHICH BY VOTE OF ITS CITIZENS HAS DECLARED ITS CITY TO BE ONE OF FREEDOM FOR ALL.

DR. RUSSELL STANDISH, BA, MB, BS (Sydney University)

MRCP (UK) FRCP (Glasgow)

FRCP (Edinburgh)

Victorian Candidate for Civil and Religious Liberties in the recent Constitution Convention Election.

SEE ALSO SECOND ADVERTISEMENT IN BENDIGO ADVERTISER MARCH 21 BEFORE CASTING YOUR VOTE.

OBJECTION NO. 2

SAVE OUR UNDENIABLE LIBERTIES (SOUL)

Bendigo citizens have the unique privilege to signal their defense of FREEDOM in the present referendum. IT IS VITAL THAT EVERY CITIZEN VOTE IN THIS REFERENDUM, for your civil and religious liberties are at stake. This is no trivial matter.

These liberties have been bought over the centuries by men and women who suffered imprisonment, torture, and death rather than yield their inalienable rights to religious and civil liberties.

% John Bunyan (author of Pilgrim's Progress) spent seven years (1661–1668) in Bedford Prison in defense of his right to practise and proclaim his religious convictions. He was a Puritan. He followed the Calvinist theology akin to that of the Presbyterian Church today.

% In 1661 John James was hanged, drawn, and quartered in London because he preached on Saturday contrary to the convictions of the majority.

% William Penn (founder of the state of Pennsylvania) was only preserved from execution in 1670, for his practice of preaching the Quaker faith in London, by the resistance of four of the twelve jurors to convict him. These jurors suffered torture and imprisonment for their stand.

The 1688–89 British Bill of Rights which is part of the Victorian State Constitution emerged as a protection against such persecution and compulsion. Anglicans, Baptists, Catholics, Methodists, Presbyterians, and other Sunday-keeping Christians all have a long and tragic history of persecution for their faith.

Members of these faiths require and merit full religious and civil liberties as much as do Saturday-keepers (such as Seventh-day Adventists and Jews), Friday-keepers (Moslems), as well as atheists, agnostics, and free-thinkers.

A PROHIBITION UPON SUNDAY TRADING WILL DEPRIVE EVERY CITIZEN OF BENDIGO, IRRESPECTIVE OF HIS OR HER RELIGIOUS PERSUASION, OF RELIGIOUS AND CIVIL LIBERTIES

Vote *NO* in the Sunday Trading Referendum.

Every breach of civil and religious liberties, however piously supported and however little it may appear to encroach upon our liberties, is a large step towards a state of coercion of conscience which, in a large measure, our nation has happily rejected. Sunday-keepers have as much at stake in this referendum as do all other citizens.

The words of Winston Churchill spoken on October 5 1938 in another setting, are full of challenge to the citizens of Bendigo as they consider their vote in the Sunday Trading Referendum.

Do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless, by a supreme recovery of moral health and martial vigour, we arise again, and take our stand for freedom as in the olden times. (*Into the Battle*, p. 53)

VOTE *NO* IN THE SUNDAY TRADING REFERENDUM TO PRESERVE THE RELIGIOUS AND CIVIL LIBERTIES OF

% SUNDAY-KEEPING CHRISTIANS

% SABBATH (SATURDAY)- KEEPING CHRISTIANS % BELIEVERS OF NON-CHRISTIAN FAITHS

% THOSE WITHOUT RELIGIOUS CONVICTIONS

DR. RUSSELL STANDISH, BA, MB, BS (Sydney University)

MRCP (UK), FRCP (Glasgow)

FRCP (Edinburgh)

Victorian Candidate for Civil and Religious Liberties in the recent Constitution Convention Election.

LETTER TO THE EDITOR

REMNANT HERALD PTY. LTD.

The Editor

Bendigo Advertiser Newspaper

Bendigo

Victoria 3550

Dear Sir

In my separate advertisements in the Bendigo Advertiser of March 14 and 21, I have dealt with the secular aspects of the religious and civil liberty issues in the present Sunday Trading Referendum.

In this letter I address the religious issues involved. The basis for this Save our Sunday campaign is the sacred nature of Sunday observance. But is Sunday worship a fulfillment of the fourth commandment which enjoins Bible believers to keep the Sabbath holy? (Exodus 20:8) The same commandment states that "the *seventh day* is the sabbath of the Lord thy God." (Exodus 20:10, emphasis added)

The Bible alone must decide which day is the seventh-day Sabbath. This it does unequivocally. Speaking of Good Friday, Scripture states "And that day was the preparation and the sabbath drew on. (Luke 23:54) Thus the Sabbath day was the day following Good Friday. Further, speaking of Easter Sunday, the Bible records, "In the end of the Sabbath, as it began to dawn toward the first day of the week, came Mary Magdalene and the other Mary to see the sepulchre." (Matthew 28:1) Here Easter Sunday is clearly identified as the first day of the week and the day after the Sabbath. Thus the Sabbath day is shown to be the day between Good Friday and Easter Sunday. Only Saturday therefore can be identified as the Sabbath God declared to be holy.

Both Catholics and Protestants freely agree. *The Convert's Catechism of Catholic Doctrine* by Rev. Peter Geirmann, says thus:

Question - which is the Sabbath day?"

Answer - "Saturday is the Sabbath day."

Question - "Why do we observe Sunday instead of Saturday?"

Answer - "We observe Sunday instead of Saturday because the Catholic church, in the Council of Laodicea (a.d. 336) transferred the solemnity from Saturday to Sunday" Second edition, p. 50.

Rev. Dr. Edward T Hiscox, author of *The Baptist Manual*, says: "There was and is a commandment to keep holy the Sabbath day, but that Sabbath Day was not Sunday. It will be said, however, and with some show of triumph, that the Sabbath was transferred from the seventh to the first day of the week. . . . Where can the record of such a transaction be found? not in the New Testament—absolutely not. . . . Of course, I quite well know that Sunday did come into use in early Christian history as a religious day, as we learn from the Christian Fathers, and other sources. But WHAT A PITY that it comes branded with the mark of paganism and christened with the name of the sun god, when adopted and sanctioned by the papal apostasy, and bequeathed as a sacred legacy to Protestantism! (*Source Book*, pp. 513, 514)

Sir William Domville of the Church of England says: "Centuries of the Christian era passed away before Sunday was observed by the Christian church as the Sabbath. History does not furnish us with a single proof or indication that it was at any time so observed previous to the Sabbatical edict of Constantine in a.d. 321." (*The Sabbath Or an examination of the Six Texts*, p. 291)

The Presbyterian Christian at Work said this: "So some have tried to build the observance of Sunday upon apostolic command, whereas the apostles gave no command on the matter at all. . . . The truth is, as soon as we appeal to the 'Litra scripta' [the literal writing] of the Bible, the Sabbatarians have the best of the argument." (Ed. April 19 1883)

The *Methodist Theological Compendium* states: "It is true, there is no positive command for infant baptism . . . nor is there any for keeping holy the first day of the week."

Dr. W. R. Dale (Congregational) in *The Ten Commandments*, pp. 106,107, says, "It is quite clear that however rigidly or devotedly we may spend Sunday, we are not keeping the Sabbath."

The Lutheran position as revealed in the *Augsburg Confession of Faith* states: "The observance of the Lord's day (Sunday) is founded not on any commandment of God, but on the authority of the church."

Episcopalian spokesman Neander writes in *The History of the Christian Religion and Church*, p 186: "The festival of Sunday, like all other festivals, was always only a human ordinance, and it was far from the intentions of the apostles to establish a divine command in this respect, far from them and from the early apostolic church to transfer the laws of the Sabbath to Sunday."

Since there is no biblical basis for Sunday-keeping, the case for the abolition of Sunday trading possesses no religious basis. In addition there is no moral mandate to enforce one's personal convictions upon all the citizens of the city.

Yours faithfully

/s/ Russell R. Standish
Dr. Russell Standish
BA MB BS (Sydney University)
MRCP (UK), FRCP (Edinburgh)
FRCP (Glasgow)

Only marked vigilance in the preservation of our liberties will hold back the tide of return to the days when dissenting worshipers will be increasingly persecuted for their firmly-held convictions.

A final note on this referendum. The Save Our Sunday initiative was soundly defeated by the citizens of Bendigo. Most citizens of adult ages voted, though voting was non-compulsory, and by a margin of approximately 35,000 to 10,600 the measure was lost. But God's people must be ever vigilant.