

Australia's Christian legal and constitutional heritage

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Introduction

Almost all Australians take three things for granted – justice, freedom and prosperity. But they are fruits that will only grow from Christian legal and constitutional roots.

The seed of the gospel

In our case, the roots came from the seed of the gospel planted in Great Britain. Pope Gregory 16th expressed the view that it was probably planted there by the apostle Paul.¹

The first green shoots

Whoever did the planting, it was done early because a strong green stem appeared in 156 AD. In that year, Lucius, King of the Britons, began to base his government on Christianity.

There was another growth spurt in the 6th century when King Ethelbert of Kent was converted to Christ through Augustine. Ethelbert was the first absolute ruler to pass laws to limit his own power. By reducing his scope for arbitrary use of power, Ethelbert was loving his people as himself. It was a crude form of Christian constitutionalism.

A young tree emerges with three sturdy taproots

By 888 AD, under the care of King Alfred the Great, the little green shoot had grown into a young tree with three sturdy taproots.

The first taproot was Alfred's command that the bible, especially Jesus' golden rule, be used as the basis of common law judgements. With their bible in Latin, Alfred realised that less learned judges would set some unbiblical precedents. He could overrule them

¹ In an address to the Mayors of Bath, Colchester and Dorchester on 26 March 1931

using statute law but being wise, King Alfred created a council to advise him on when and how to overrule judge-made laws that were unbiblical.

Alfred's council was the forerunner of Parliament. Its members had to be expert in Scripture, which was the second taproot – legislators committed to God's Word. As a result, people travelled Alfred's kingdom without fear of harm.

The third taproot was that the king yielded his governing authority to Christ. And since Alfred's time, every heir to our throne has publicly yielded their authority to the King of Kings before being crowned at a Christian worship and coronation service. During the service, they promise "to maintain the law of God and the true profession of the gospel."

Authority - the sap that keeps the tree alive

No wonder our fruit tree grew strong? All three taproots bring the water of life that is in Jesus to the tree! Honouring the authority of Jesus and His Word became like sap in our tree of government – keeping the life of Jesus flowing through it.

Worldly trees hated Alfred's new kind of tree. The sap in the tree of a worldly kingdom is love of power. The idea of honouring Jesus' authority so that He can produce justice, freedom and prosperity, was, and still is, a major threat to the power of worldly rulers.

Their hearts are captivated by Mammon through love of power. And as James 3:16 says:

... where jealousy and selfish ambition exist, there will be disorder and every vile practice.

The system we inherited limits power and honours authority. Challenges to those limits have been our most persistent and perilous political issue since the C9th. Those who love power have never stopped trying to take Jesus' place as our supreme authority. It is a battle: power versus authority. So let's briefly look at the difference between power and authority?

Authority versus power

A ten ton truck rumbling towards a city intersection has power. The policeman on traffic duty has authority.

The truck driver could use power to flatten the policeman. But an army of patrol cars and helicopters would chase him and bring him to court for judgment. That's because, proper authority is backed by superior power, but its power is restrained – kept in check by love-based justice.

Jesus said: “all authority is given to me in heaven and on earth.” The founders of our system believed Him and had no difficulty believing Col 1:16, which says:

“... in him (i.e. Jesus) all things were created, in heaven and on earth, visible and invisible, whether thrones or dominions or principalities or authorities - all things were created through him and for him.

The impact of bad kings that have loved power

So we were created for Christ. And our throne was created for Christ. But what if a king yields his authority to Christ publicly, but not from the heart? God's response is clear from history. Great constitutional gains were made under bad kings. e.g. Magna Charta under King John in C13th and parliamentary representation under the C17th Stuart kings.

When kings publicly submit their governing authority to Christ – even reluctantly – they open the door of their government to Jesus. He takes them at their word. Only the light Jesus' life penetrating our darkness could have transformed the seed of the gospel into the fruitful tree of justice, freedom and prosperity that we inherited.

The tree starts producing fruit in quantity

But I am jumping ahead. The problems with King John in the C13th actually strengthened our taproots – all three of them – common law judges using Jesus' golden rule, legislators committed to God's Word and the king's authority yielded to Jesus.

With healthy taproots in place, justice – the first fruit – became more widely available. Like all fruit, it was green and somewhat bitter at first, but in time it matured and became more palatable as Christian judges based more and more decisions on Jesus golden rule: “do for others what you would want them to do for you.”

By the end of the Stuart dynasty in the C17th robust parliamentary representation was emerging and the next fruit appeared – freedom. Unlike previous attempts at freedom, the British had a foundation of love-based justice to stop the strong using their freedom to steal freedom from the weak.

Understanding about justice and freedom had grown for two centuries as hand written copies of Wycliffe’s C14th English bible were read around family firesides. Demand for justice and freedom mounted as printing put the bible into more and more hands.

Science was the first fruit of freedom

Widespread bible reading modernised the world by producing a bumper crop of scientific geniuses in the C17th. Studying the bible convinced each of them of a divinely ordered creation that they longed to understand. They included astronomers Copernicus, Galileo and Kepler from Europe and Halley from England and English scientists like Harvey who described blood circulation, Hooke who discovered live cells in plants, Boyle the father of chemistry, Bacon who formulated the principles of inductive reasoning and perhaps the most influential scientific thinker of all time, Sir Isaac Newton.

Technology and prosperity were the next fruits of freedom

Science underpinned the technology of Britain’s C18th industrial revolution. Factories were built. Labour shifted from farms to factories as far fewer people were needed to produce food. Advances in medicine and hygiene made cities safer for the large influx of new workers. And mechanised transport boosted the size and efficiency of markets, which benefited industry and consumers.

Today's prosperity began with that industrial revolution – set in motion by the scientific geniuses of the C17th who acted like fertilizer boosting the growth of our fruit tree. Science flourished because scientists had the freedom to think and to study the Word of God that set them on the path to discovery. Their achievements made prosperity a very plentiful fruit indeed. Renowned non-Christian scientist, J. Robert Oppenheimer, summed it up when he said that Christianity was needed to give birth to modern science.²

The tree becomes huge and provides shelter for many

The industrial revolution was the engine of the British Empire. Greedy traders and licentious soldiery ventured throughout the globe, unconsciously blazing a trail for the missionaries that followed. Thus began the great age of missions.

Our tree put out branches far and wide. Common law countries became its main limbs. Fowl of every wing found shelter in its branches – some so foul as to hate its Christian roots. In its shade millions of immigrants and refugees have found rest. The tree is now so tall that it can be seen by billions around the world who hunger for its fruits – justice, freedom and prosperity – but are kept under tyranny.

Even their dictators feed from our tree's prosperity, while carefully avoiding its justice and freedom. All who love power fear the light of the Son of God that filters through our tree because His light exposes the brutality of all power-based approaches to life.

Throughout history, most of the world's precious people have suffered under tyranny. In the C 20th for example, 32 million people died in international wars, but a further staggering 97 million were killed by their own government. Countless others were tyrannised by poverty or preventable diseases in uncaring, or corrupt regimes.

The only reasonable explanation for the joy-filled, tranquil lifestyle of the handful of nations that are part of our tree is the life of Jesus in our legal and constitutional heritage.

² Francis A. Schaeffer, "Escape from Reason", Chapter 3, page 225 of Vol 1, 2nd ed. of his complete works, ISBN 0-89107-332-9

We didn't earn it, we simply inherited a Christian approach to governmental authority. Surely we could, and should, find ways to help all willing nations develop their own approach to submitting their governing authority to the King of Kings.

The need to protect our taproots

But we also need to protect our taproots. The first taproot – centuries of common law judgements based on Jesus' golden rule – is being slowly poisoned. Christian common law values are being replaced by the ungodly humanistic values of the United Nations as politicians keep ratifying UN legislation disguised as treaties.

We need international bodies for co-ordination. What we don't need is advice on how to govern Australia from the brutal regimes that infest the UN. Australians intuitively know that. So those who want to eradicate our Christian legal values use fear campaigns to scare us into letting the UN run the world. Luke 21:26 sums it up well:

“Men's hearts failing them for fear, and for looking after those things which are coming on the earth ...”

The second taproot – legislators committed to God's Word – is shrinking and being slowly poisoned as well. There are still plenty of Christians in parliament, but surveys show that only 9% use a Christian worldview in making decisions. Factor in the anti-Christian politicians and our second taproot is also in trouble.

The third taproot – yielding our governing authority to Christ at each coronation – is reinforced by a king or queen's promise “to maintain the law of God and the true profession of the gospel.” That taproot is healthy, but there are plans to sever it.

Our biggest political issue since the C 9th continues

People who love power love to be the boss. In our system, they can't. Our taproots won't support their weighty pride at the top of our tree. So they whinge about severing our taproots, but avoid talking about the fruit produced by replacement taproots.

To be the highest branch in our tree, you have to grow there. The top job is only open to those born into it, but even they can't get the job until they yield their authority to Jesus. If they won't, we break off their branch and welcome the next highest branch. Kings and queens only hold our top job in trust for King Jesus – our supreme authority.

Refusing to allow anyone but Jesus to have ultimate authority in our system is not just something to keep Christians happy. It has safeguarded freedom for all our people over centuries. But it has also given us a continuing political headache.

Pride, power and envy are always itching to climb to the top of our tree of government and – to parody a well-known TV show – become our Australian idol. If we let them get there, they certainly won't be willing to yield our governing authority to Jesus.

Today's version of our biggest political issue

Our forebears kept kings from grabbing Jesus' job. We will have to stop more subtle challenges to authority, which began with the American rebellion in 1776.

An American who lived through that rebellion, Noah Webster the Father of American Scholarship, translated 1 Sam 15:23 as follows:

“... rebellion is as the sin of witchcraft, and stubbornness is as iniquity and idolatry.

In the 1770s King George III was being stubborn, egged-on by the then privately owned Bank of England. So Americans became rebellious. It was a tragedy for both sides. On one hand, our blessed tree lost a great limb. On the other hand, Americans shelved the profoundly Christian worldview of their Pilgrim Fathers. They made rebellion and the triumph of power over authority acceptable – even a way of life.

Love of power began influencing US governance. It so infected the thinking of US Supreme Court Justice, Oliver Wendell Holmes, Jr., that he said:

“Truth is the majority vote of that nation that could lick all others.”

Consider the consequences of such thinking. Power is how “the West was won” and it is how big business and big government operate at home and abroad. Lust for power underlies the epidemics of litigation and domestic abuse. If a child grows up watching Mum and Dad resolve conflict with legal or physical power, or hearing dad gloat about demolishing business competitors, or engrossed in violent videos, should we be surprised when that child sorts out arguments at school with a machine gun?

Kingly authority is the responsibility to properly represent the God of love. Human kings seldom do that well, but to rebel against them for that reason is self-righteous. When a king errs, we should ask God to show us His way of limiting the king’s unbiblical use of power. That’s Jesus’ golden rule – do for kings what we would want kings to do for us.

If the will of a king can make tyrannical laws, so can the “will of the people”. Of course, the “will of the people” often means the will of a powerful elite who sway the people.

Our response to our system’s biggest political issue

Love for power rather than respect for God-given authority has distorted political theory. If the powerful use the media to get a majority disagreeing with God, we think that is democratic. So we feel intimidated, become politically correct and withdraw from the battle of ideas – which frankly is failing to love our neighbours as ourselves.

Power-based political theory has captured our universities and media. They try to squeeze our system into that mould, but it just doesn’t fit.

Australia is arguably the most democratic country on earth, but we are not a democracy. We are a constitutional monarchy with representative government. Our blessings derive from our three taproots that have lasted since the C9th.

Our system is not designed for liberty, which means casting off restraint. It is designed for freedom – the domain where we are free to make choices within biblical constraints.

We are at a cross-road. Either we will yield to love of power and fall prey to Mammon, or we will renew our respect for God-given authority – the sap that has for centuries brought the life of Christ into our legal and constitutional tree and produced superb fruit.

Of course, the glory for the fruit belongs to Jesus, not us or our forebears. It was produced by the grace of God through faith that He gave as a gift to people who heard His Word. And He will produce the same fruit in every nation whose God-given authority acts on the gospel by publicly yielding governmental authority to King Jesus.

That may sound strange to modern Christians who have never thought of yielding anything beyond their own personal life to Jesus. When political theory was distorted by rebelling against God-given authorities, Christians lamely accepted the lie that we can only yield authority to Jesus in our own personal sphere. The truth is that Jesus will produce fruit in any sphere where a God-given authority yields their authority to Him – for example yielding authority over a business, or a church, or a family.

That is the nature of Jesus' Kingdom, which the bible literally calls the Kingdom from the God, or the Kingdom from the Heavens. Jesus plainly teaches in Matt 13:36-43 that His kingdom is on earth and will be full of evil doers and causes of sin (called tares), right up until the moment He returns.

In the original Greek, the Lord's prayer says "thy kingdom keep coming ... in earth as it exists in heaven." So Jesus' Kingdom comes on earth progressively as those with God-given authority yield to the Kingship of Jesus.

Prayer

So let's pray about that right now:

Father, you have lavished undeserved favour on mankind. From before the foundation of the world You purposed in Christ to adopt us as children and welcome us into the intimacy of the Royal Family of the Universe.

On top of that, You've said that it is your good pleasure to give us here on earth a kingdom from the heavens ruled by Jesus. A kingdom in which nations, churches, businesses, families and individuals can enjoy a measure of justice, freedom and prosperity until Jesus reappears to perfect it.

Thank You! We worship You Almighty God. At Your command countless billions of vast galaxies came into being, all made from tiny but formidably powerful atoms. Your Word holds it all together!

Your limitless power and understanding is on display for all to see, yet You focus extravagant love on us – frail little creatures on a planet dwarfed like a speck of dust in Your measureless universe. But our hearts are reassured before You because Jesus has revealed the passionate devotion of Your love for us. Your thoroughly perfect character comforts us too. We can rely on You and Your Word. Your throne is based on justice and righteousness – You are not a dictator. We have peace and joy because You rule with such forbearance and mercy.

No wonder Your kingdom can never be shaken! It is secured by Your invincible Sovereignty. Your Word declares that Your Kingdom will crush to powder the lingering image of the demonic empires foretold by Daniel and expose their bankrupt philosophies – the idolatrous economics of Babylon, the counterfeit religions of Medo-Persia, the sham democracy of Greece and the brutality of Rome's obsession with power.

Thank You for giving us a taste of that kingdom. Thank You too for past saints who believed the gospel and yielded our governmental authority to King Jesus. We benefit from their obedience of faith.

So Father we ask You for two things. Firstly, we want to give You such obedience of faith that Your Kingdom is even better for our grandchildren. Grant us fresh Holy Spirit power to help us to do that.

Secondly, we sense Your grief that billions of people still can't taste the fruits of Your kingdom. Help us and all Christians to become competent ministers of the gospel calling authorities at every level to submit to Jesus so that more and more individuals, families, churches, businesses and nations start enjoying the fruits of your unshakeable kingdom.

And Lord we come into agreement with You and each other by praying: Your kingdom keep coming, your will keep being done, in earth as it is in heaven.

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