



Liberty's Laws: The common law tradition and the myth of pluralism

In 1776 some of the greatest leaders of all time gathered in Philadelphia to pen a document that founded the United States - the Declaration of Independence. What made these men of renown so unique is that they deliberately placed themselves under a Declaration and later a Constitution which drastically limited their own power. These documents were meant to limit the power of all future American leaders as well. The founders knew the Biblical command to use God's Word "to bind their kings with chains and their nobles with fetters of iron." (Ps.149:8). As Thomas Jefferson said, "In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution." Dozens of nations

have been liberated worldwide from the plague of top down tyranny through what the founders understood as their "common law" tradition.

But where did this "common law" tradition arise and how did it end up in our Constitution? Does it spring from the "enlightened" hearts of the elite who ruled the ancient Greeks? Or is it the product of the libertine atheists of the French Revolution?

In truth, the story of our common law tradition has not been taught for generations! Moses was the first leader to found a nation based upon the precepts of the "higher" law that applied to all men equally.



Image: The law code (Domboc) of King Alfred

"The wise Alfred adopted as an indispensable duty the extreme rigour of the Mosaic institutions."

LIBERTY'S LAWS

WORLD HISTORY INSTITUTE

Journal No. 3 | 2024



KING ALFRED DIVIDING ENGLAND INTO COUNTIES

Mather Brown

God gave him the essence of this law on Mount Sinai, the Ten Commandments. Moses applied these divine principles to the founding of the Hebrew Republic which lasted 400 years. In this nation, leaders were to be chosen based on their character. Almost all authority was decentralized and reserved for the family and local tribe. All were equal before the law.

A thousand years later Jesus Christ unleashed a peaceful army of believers upon the world with the message of true freedom through His grace. In the fifth century St. Patrick evangelized a pagan Ireland and reformed their laws, the Brehon Laws, and brought them into conformity with the just laws of Scripture. Patrick's disciples evangelized Scotland and England in the next two centuries and imparted to them the biblical legal tradition.

In the 9th Century, King Alfred the Great became the true father of the written common law of England. Alfred was one of the only rulers of his time to qualify for leadership as defined in the Scripture. He was the husband of one wife (unheard of for kings), was of good reputation and the just and loving precepts of Scripture were his standard for life.

King Alfred, who was forced to be a warrior king to defend his land against the Viking invaders, knew that the only hope of a blessed civilization was not through the conquest of the sword, but through the wisdom of God. Historian D'Aubigne describes this incredible leader. "Alfred being convinced that Christianity alone could rightly mold a nation, assembled round him the most learned men from all parts of Europe, and was anxious that the English, like the Hebrews, Greeks, and Latins, should possess the Holy Scriptures in their own language...After having fought numerous campaigns and battles by land and sea, he died while translating the Psalms of David for his subjects."

Alfred's greatest accomplishment was his Law Code, the foundation of the Common Law of England. He enhanced and codified the legal tradition that was begun by earlier Christian kings. Alfred's Law Code begins with his translation of the Ten Commandments – verbatim.

He then includes other passages from the Law of Moses (Exodus 21:1-23:19) and others describing the clear application of the law to their society.

THE PATTERN OF LIBERTY

It is followed by an excerpt from Christ's Sermon on the Mount and a brief account of apostolic history and the growth of Christian law among the Christian nations. This common law tradition is spoken of in our Constitution and stands in stark contrast to the tyrannical rulers' law that, even today, dominates much of the world.

Alfred's Law Code was in direct conflict with the ridged cast structure and tyrannical power of other rulers and governments of that age. For example, Alfred instructed the judges of his realm how to conduct a trial. He says, "... hear the causes between your brothers, and judge straight between a man and his brother and between the stranger dwelling with him. You shall not respect persons in judgment. You shall hearken [listen] to the small men in the same way as you hearken to great men. You shall not fear the person of any man because the judgment is to God." Note the parallel between Alfred's words and those of Moses: "You shall not be partial in judgement. But you shall hear the small as well as the great." (Deut. 1:17)

All governments are founded upon one religion or another. There is no neutrality. English historian E.R. Norman says "pluralism is a word society employs during the transition from one orthodoxy to another." In other words "pluralism" is a cover that masks the destruction of the Christian foundations of America. The "word smiths" are really implanting a new religion, secular humanism in its place. The governments of the ancient polytheists in Rome, Greece and Egypt were built upon the myth of either the superiority or deity of their leaders. This religious

tyranny is exemplified in the Roman Emperors and Egyptian Pharaohs.

The religion that has grown to dominate the nations of the West in recent generations is secular humanism. This religion teaches the worship of man, and his ever-changing laws, corrupt laws, as the measure of all things. However, people left to themselves, without God's higher law, have historically chosen rulers who

pervert true justice and mercy, distribute the wealth of the people to their cronies and persecute true believers.

What can we do right now to restore and rebuild our "Christian common law nation?" Alfred gave us the key for making this pattern of liberty work for us today. He said "Local government ought to be synonymous with local Christian virtue; otherwise it becomes local tyranny, local corruption and local iniquity." He knew that the strength of England was in the people at the local level. He developed local counties and sheriffs based on the decentralization of power as taught by Moses. These local authorities

were given more power than the national parliament. If our national leaders are out of control, and they are, it is a sure sign that we have forgotten our local responsibilities in our counties, cities and homes. As we exercise the sacred responsibility of choosing "civil ministers" or magistrates, should we not choose representatives who share our Christian common law heritage, rather than the enslaving rulers' law of modern "secularism"? If Alfred can build a Christian civilization surrounded by pagan enemies, certainly we can believe God for the restoration of the most blessed and biblically grounded civilization in all of history.

-Dr. Marshall Foster 1945-2022

