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## *THE POLITICAL CONFLICT OVER LIBERTY*

The phrase “Life, Liberty and Property” is a very powerful term and has been a very influential factor in social, political, economic and religious changes and events throughout history. This is understandable when we realize that the term represents not only all the various rights of an individual, but everything that can be regarded as of value or importance to physical existence. When the phrase is coupled with “due process of law” or “the law of the land” it specifically highlights the limitations of the powers of government in relation to such rights.

Life, Liberty and Property thus stands at the forefront of all conflicts between people and governments. We can look at any political upheaval, revolution, or change in government and it has some relationship to Life, Liberty and Property. This is because the term represents power and wealth for those who have control over it.

### CONFLICTS IN BIBLICAL HISTORY

Let us examine some of these conflicts in history starting with biblical history. When the Israelites were in Egypt, the Pharaoh had much control over their Life, Liberty and Property. They could not do any work they wanted but had to do the work assigned to them by Pharaoh and his aides. The Israelites had limited property rights and did not have

the liberty to leave Egypt. The Exodus was in essence a restoration of the rights of Life, Liberty and Property back into the control of the people, and it severely hurt the existing government. Thus Pharaoh had done everything possible to prevent the Exodus of the people, because he stood to lose control of an extremely valuable thing—the Life, Liberty and Property of the people. It was primarily the labor of the people he wanted as it represented a valuable asset or “property.” Pharaoh allowed his nation to be brought into ruins before he was willing to let go of this valuable resource.

Another biblical incident surrounding a conflict over Life, Liberty and Property is found in 2 Chronicles 10. The incident starts with the death of king Solomon and the crowning of his son Rehoboam as king (2 Chron. 9:31). As soon as Rehoboam was made king some of the men of Israel came to him and said:

Your father made our yoke grievous: now therefore ease somewhat the grievous servitude of your father, and his heavy yoke which he put on us, and we will serve you.<sup>1</sup>

Rehoboam said he would consider the request. He went to the “old men” for counsel and they said to “be kind to the people, and speak good words to them and they will serve you.” Rehoboam then went to the “young men” for advice who said he should put heavier burdens upon the people than what his father had done. The apparent reason was to have more control over the Life, Liberty and Property of the people, and thus more power and wealth. Rehoboam thus “forsook the counsel of the old men” and answered the people after the advice of the young men saying:

My father made your yoke heavy, but I will add thereto: my father chastised you with whips, but I will chastise you with scorpions (2 Chron. 10:14).

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<sup>1</sup> 2 Chronicles 10:4.

When the people saw that the king would not listen to their requests, they formed a revolution against the king and his government — as it is written — *“And Israel rebelled against the house of David unto this day”* (2 Chron. 10:19). King Rehoboam was going to force the people to work long hard hours for him, he was going to place heavier taxes on the people and put more oppressive laws upon them, and harsher punishments if they did not abide by the laws. Rehoboam was seeking greater control over the Life, Liberty and Property of the people. But instead the king lost half of his kingdom due to his threatened oppression of the people’s Life, Liberty and Property.

The pages of secular history have many accounts of the conflict between the people and government over Life, Liberty and Property. The history of Rome is one instance. In 753 B.C., Rome was founded by Romulus. The people that settled in this part of Italy were of an Israelite-Phoenician stock, as indicated by their alphabet and artifacts. The little kingdom grew in size and importance through the reign of seven kings, until the tyranny of Tarquinius Superbus drove the people to take the government into their own hands and establish a republic in 509 B.C. The Roman Republic formed was designed to protect the Life, Liberty and Property of every citizen.

### ENGLISH LAW & THE NORMAN CONQUEST

In English history the foundation of the customs and law that protected Life, Liberty and Property began with the migration of the Saxons in the 5th and 6th centuries. They brought with them the common law and established it in England. They formed the judicial system and the mode of trial by jury. Principles of government were established which included certain due process procedures in guarding Life, Liberty and Property.

The contest over Life, Liberty and Property in England primarily began with the Norman Conquest in the eleventh century. When the Saxon king Edward was on his death bed he decreed that Harold, the Earl of Wessex, should reign after him. But the Normans claimed Edward had promised that their Duke William, who was a distant kinsman, should reign after him.

When William heard of Harold's accession to the throne, he sent a message to the king asserting his right to the throne. Harold gave a rough refusal. Then William decided to appeal to the sword. In September, 1066, he sailed with a fleet of several hundred ships to England. Harold with his army met William just outside Hastings. On the eve of battle, one history book says:

"The Saxons spent the night in feasting and song; the Normans, in prayer and confession."<sup>2</sup>

The battle that followed lasted all day and into the night with heavy losses on both sides, but William finally prevailed and Harold was killed. A monkish chronicler, in speaking of the Conquest, says that:

The vices of the Britons had made many of them effeminate and womanish, wherefore it came to pass that, running against Duke William, they lost themselves and their country in one battle.<sup>3</sup>

The lesson here is that a people who are caught up in entertainment, and merrymaking, and allow an effeminate lifestyle to exist in the land, are less likely to be in a position to protect their Life, Liberty and Property from attack. Such a people are bound to lose their rights and country, as was the case with the Britons.

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2 D. H. Montgomery, *The Leading Facts of English History*, Boston: Ginn & Co., 1893, p. 60.

3 Ibid.

William's rule was not popular as he had no qualms about using the most harsh measures to quell any opposition. He established his nobles in the various regions to rule and govern the people. These Norman nobles ruled the people harshly, which caused many of them to be secretly assassinated. William tried to punish the people in the region where the nobles were killed, but the assassinations continued. The people found this measure necessary in order to protect their Life, Liberty and Property from oppression.

When William died, his son William Rufus succeeded him. He used the most oppressive and unscrupulous means to plunder both the church and the people. As a result he was secretly assassinated. This brought William's other son Henry to the throne in 1100 A.D. But foreseeing a renewal of the contest with the barons, and knowing of all the secret assassinations and the reasons for them, Henry had issued a *Charter of Liberties* upon his accession. By this charter Henry bound himself to the law and promised to reform the abuses of his brother. He promised to give back to the people "the law of King Edward." By this charter, Life, Liberty and Property were secure during Henry's 35 year reign.

### KING JOHN & MAGNA CARTA

The most significant events surrounding Life, Liberty and Property in English history occurred during the reign of King John (1199-1216). John was one of the worst kings in English history. His rise to the throne was by usurpation. His older brother's son, Arthur, actually had the rightful claim to the throne and this claim was asserted. John thus had Arthur imprisoned and he thereafter mysteriously disappeared. The welfare of the nation and the rights of the people took a turn for the worse with the reign of King John. John's oppressive acts are recorded in one English history text book as follows:

John's tyranny, brutality, and disregard of his subject's welfare had gone too far. He had refused the church both the right to fill its offices and to enjoy its revenues. He had extorted exorbitant sums from the barons. He had violated the charters of London and other cities. He had compelled merchants to pay large sums for the privilege of carrying on their business unmolested. He had imprisoned men on false or frivolous charges, and refused to bring them to trial. He had unjustly claimed heavy sums from serfs and other poor men; and when they could not pay, had seized their carts and tools, thus depriving them of their means of livelihood.<sup>4</sup>

During his reign, John continually lost the respect and the love of all classes of the people. He was untruthful, dishonest, treacherous, profane and tyrannical, and therefore had neither the support of the clergy nor the people. When John gave into certain demands of the Pope, and issued a formal acknowledgment of his feudal dependence on the Pope for England and Ireland, it branded him as disloyal in the eyes of the barons, the clergy and the people.

Due to the cowardly, disloyal, oppressive and unjust acts of King John, and fearing the continued growth of corrupt royal authority, the discontented barons and churchmen prepared themselves to deal with the king the only way they knew—*by force of arms*.

In the summer of 1213, a council was held at St. Albans, near London, composed of representatives from all parts of the kingdom. It was the first assembly of its kind on record. It convened to consider what claims should be made on the king in the interest of the nobles, the clergy, and the country. Using the charter granted by Henry I as a model, they drew up a new one of similar character, but in every respect fuller and stronger in its provisions regarding the rights of the

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4 D. H. Montgomery, *The Leading Facts of English History*, Boston, 1893, p. 105.

people and the checks against the crown. In the new charter they specified the rights of the people, the limitations upon the king, an adherence to the common law, and a decree of due process procedure in dealing with the rights of the people. In the words of one historian — “it was determined by those present to demand from the king a return to the old laws of the country.”<sup>5</sup> Their basic intent in so doing was to protect their Life, Liberty and Property.

In the autumn of 1214, the barons met in the abbey church in Suffolk, where they solemnly swore that they would oblige John to accept the new charter, or they would declare war against him. For the first time in English history a united demand was made upon a king. But John refused their offer. Thus the barons gathered their forces and marched through the midlands, gathering adherents from among the nobility, and finally proceeded to London, where the citizens opened the gates of the city to them. The city was now in their control forcing John to seek refuge at Oxford.

On Easter, 1215, the barons, attended by two thousand armed knights, confronted the king at Oxford, and made known to him their demands. John tried to evade giving a direct answer. However, seeing that to be impossible, and realizing that London was on the side of the barons, he yielded, and asked them to name the day and place for the ratification of the charter. The reply was: “Let the day be the 15th of June, the place Runnymede.”

The document which was signed by King John, and which bears the royal seal, was henceforth known as *Magna Carta*, or the Great Charter—a term used to emphatically distinguish it from all previous and partial charters. By the charter, the king promised to acknowledge the freedom of the Church, to respect the traditional laws and customs of

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<sup>5</sup> Edward P. Cheyney, *A Short History of England*, Ginn & Co., 1919, p. 179.

England, and to recognize the public grievance committee established to insure that his promise was kept.

But King John had no sooner set his hand to this document than he determined to repudiate it. He hired bands of mercenaries to come to his aid. In the battle that ensued with the barons King John was killed. Pope Innocent III also used his influence, and threatened to excommunicate the barons if they persisted in enforcing the provisions of the charter. The Pope's "nullification" of *Magna Carta* had revived the civil war, but which had now ended with John's death in October, 1216.

The incident surrounding King John and *Magna Carta* showed for all time that if a king did not rule as the people wished, and respect the Law of the Land and rights of the people, he could be made to do so by force.

### LAW ABOVE GOVERNMENT

The history of the conflict over Life, Liberty and Property has been a conflict over what law will prevail as paramount in the land—fundamental law or acts of government, laws of God or laws of men. It thus has been a conflict between the Law of the Land and the powers of rulers and governments. The Law of the Land is that which both government and persons are bound to follow. In England *Magna Carta* had recognized this law and it bound the king to act within certain limitations. Thus the law could control the king because it was superior to him. King John found this out the hard way.

Though almost forgotten during the fifteenth and sixteenth centuries, *Magna Carta* was revived and used in the seventeenth century by jurists like Sir Edward Coke and others to counter the Stuart kings' theory of "divine right of kings." Those who pleaded the charter asserted that the king was not above the law but was subject to it.