

Approaching Freedom
Part I of a Two-Part Series
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June 24, 2007

It was the year we call 1018, and Swedish King Olaf was pursuing a pointless and costly war to take Norway from the Norwegian King Olaf the Stout (whose name is sometimes translated as “Olaf the Thick”).

In the Icelandic culture, local “lawspeakers” trained from childhood to remember history and law were held in great respect. In this oral tradition they were walking lawbooks: not so much judges or lawyers as the voice of history. In each locality they resolved disputes between neighbors, advised the local king, and presided over the local assembly of free citizens.

These assemblies were called, in Old Icelandic, the “Þing.”¹ This word came into Swedish and English as “ting” and finally “thing”: as in, “I’ll see you at the Thing.”



Torgny Lagman,² Torgny “*Lawspeaker*” was a descendant of lawspeakers and in 1018 the senior lawspeaker in all the Icelandic kingdoms. At a meeting of the Uppsala Thing, Torgny expressed the will of the assembly when he urged the Swedish King Olaf to make peace with Norwegian King Olaf the Stout. In a remarkable moment, captured in art and early written history, Torgny Lawspeaker talked to the King and the assembled citizens about the power of kings and the power of the people.

Torgny Lawspeaker had lived history as part of his family’s experience. His father and his grandfather were lawspeakers to great Swedish kings. Torgny began by recalling this history and how these predecessor kings had behaved. He said, pointedly, that the old kings *listened* to the people and, while no strangers to war, never sought to conquer Norway.

Then Torgny spoke to King Olaf directly. He spoke on behalf of the assembly of free citizens, and he told the King to make peace—saying, “we [the people] will no longer suffer law and peace to be disturbed.”

It was 1018: long before the U.S. Constitution, two hundred years before the Magna Carta. Torgny the Lawspeaker told the King to make peace, and reminded him that the decision of the assembly was not simply advice: it was the will of the people. And, lest King Olaf forget his history, Torgny also reminded him of the consequences to five earlier, obstreperous kings who had disregarded the will of the people: they were drowned in a “morass.”³ The message was clear: the people had ultimate authority, and they were not afraid to use it. King Olaf made peace.

Human society began approaching “freedom” as people gathered together and asserted that the will of the people trumped the whim of the king.

In ancient times, Plato and Aristotle distinguished the “rule of law” as opposed to the “rule of men”: although Plato regarded the “Philosopher King” as the ideal ruler, he saw the necessity to protect society against despots, and for that reason the “rule of law” was necessary to limit the powers of the King. Aristotle thought the rule of law was of even greater importance.⁴ But these early ideas of freedom based on the rule of law eroded and were temporarily lost as Rome rose and ruled, led by Caesars who styled themselves gods.

Nonetheless, the insistent notion that the monarch must answer to the people found its expression in different times and places and pockets of history. Even though the English kings asserted that they were appointed by God, the English landowners forced King John to sign the Magna Carta in 1215, acknowledging the people’s rights.

And in the 17th century, the idea that people could limit the rights of those who governed them found expression in the writings of Scotsman Samuel Rutherford, a Presbyterian theologian. In 1644 he wrote a book saying that a constitutional government should limit the rule of kings. This book, which was called *Law and the Prince*, or (as he put it) “*Lex, Rex*,” was the foundation for the ideas of John Locke, whose writings in turn influenced Thomas Jefferson, James Madison, and John Adams—the founders of America’s constitutional democracy.

The theologian Rutherford asked, “Whether the King be above the law?” and gave his answer, “The law be above the King.” In some respects this idea is much like Torgny Lawspeaker’s conclusion that the people could vote to drown an unsatisfactory king in a bog. This basic notion that people are inherently free and can assert their power over a bad ruler is the foundation-stone for America’s Declaration of Independence.

As Tom Paine wrote in 1776:

“The world may know, that so far as we approve of monarchy, that in America THE LAW IS KING. For as in absolute governments the King is law, so in free countries the law *ought* to be King; and there ought to be no other.”⁵

Yet America's founders did not stop there. They created a constitutional democracy: a written Constitution embedding the power of the people in the "rule of law."

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If the Declaration expressed clearly that the power of kings to govern arises from the consent of the governed, the Constitution just as clearly places the consent of the governed into a legal structure that elevates law over individuals, and at the same time makes every individual equal before the law.

Human beings have approached freedom in many ways: by rebellion, by assassination, by political maneuvering, by speeches and pamphlets and books and letters to the editor, and by assemblies of free people who discuss and debate and decide.

Yet it is in the American Constitution that human society approaches most closely to freedom, lasting freedom, freedom as a heritage. Because in that document, power once given to a ruler is carefully divided into three parts: the Congress, with its power of legislation; the judiciary, with its power to decide what the law is and how it applies in a particular dispute; and the executive, most assuredly *not* a king but instead a Chief Executive Officer, who carries out the laws and ultimately answers to the law.

We call it the rule of law. And for us—we Unitarians and Universalists who embrace the heritage of free religion, of freedom of conscience, of the right of free inquiry, free discussion, free thought, free speech—the rule of law is not simply a legal notion, or Constitutional notion, that is somehow outside of us and unconnected with religion: it is the very stuff our forebears struggled to obtain.

We gather together here from many different religious traditions. We are in community because we share values that include freedom of conscience and respect for the inherent worth of every person. We also express, in our statement of principles, a desire to use democratic processes in our congregations, and to promote democracy in the world community.

So the American Constitution, as the embodiment of constitutional democracy through the rule of law, is in an odd sort of way one of our religious texts. I don't want to over-emphasize this point, but I do want to make it clearly. One of the values we Unitarians share is respect for the rule of law.

We did not arrive at this place of respect for the rule of law accidentally or by carelessness or by inattention. The concept of the rule of law—the careful placement of power to govern and the Constitutional insistence that those who govern follow the rules—is central to democracy, to *freedom*. Our ancestors who sought religious freedom

found it in the rule of law, in written guarantees that no monarch or political leader could take away.

So as we approach July and the day that celebrates American independence, American freedom, let us reflect on the way that human beings through history have *approached* freedom—the way that our religious heritage and our political heritage are bound together in that one idea: government by the consent of the governed, and freedom through the rule of law.

This is our history. This is our heritage. This is our freedom.

This is the melody America sings.

Next week: Part 2, “Preserving Freedom”

Notes

¹ The Old Icelandic “Þing” is spelled with an initial character that resembles a P (I’ve used the Greek theta, not the actual Icelandic character and it has the sound of the English TH. Here is the Old Icelandic alphabet with English pronunciations (the first letter of “Þing” is the third character from the left):



²The story of Torgny the Lawspeaker and his speech to King Olaf at the Thing is found in the work of poet and historian Snorri Sturluson’s (1179-1242) *Heimskringla* (c. 1225) or “King’s Sagas,” the history of Swedish and Norwegian kings. Wikipedia introduced me to this amazing resource. The picture is by artist Christian Krohg for the 1899 edition of *Heimskringla* and is also on Wiki, at [http://en.wikipedia.org/wiki/fiorgn"r_the_Lawspeaker](http://en.wikipedia.org/wiki/fiorgn). The Swedish King is Olaf; the Norwegian King, also Olaf, was at the time of Torgny’s speech known as “Olaf the Stout” (or “Thick”), but later was sainted and became “Olaf the Holy.” I imagine he would have preferred the latter designation if it had been available during his lifetime. At one point Wiki calls the Swedish King “Olaf the Holy,” but he was not. Apparently “Olaf the Warmonger” would have been accurate.

³ Torgny’s speech is from Sturluson’s *Heimskringla* and online at [http://en.wikipedia.org/wiki/fiorgn"r_the_Lawspeaker](http://en.wikipedia.org/wiki/fiorgn):

“The disposition of Swedish kings is different now from what it has been formerly. My grandfather Thorgny could well remember the Upsala king [Eirik Eymundson](#), and used to say of him that when he was in his best years he went out every summer on expeditions to different countries, and conquered for himself [Finland](#), [Kirjalaland](#), [Courland](#), [Esthonia](#), and the eastern countries all around; and at the present day the earth-bulwarks, ramparts, and other great works which he made are to be seen. And, more over, he was not so proud that he would not listen to people who had anything to say to him. My father, again, was a long time with King [Bjorn](#), and was well acquainted with his ways and manners. In Bjorn’s lifetime his kingdom stood in great power, and no kind of want was felt, and he was gay and sociable with his friends. I also remember King [Eirik the Victorious](#), and was with him on many a war-expedition. He enlarged the Swedish dominion, and defended it manfully; and it was also easy and agreeable to communicate our opinions to him. But the king we have now got allows no man to presume to talk with him, unless it be what he desires to hear. On this alone he applies all his power, while he allows his scat-lands in other countries to go from him through laziness and weakness. He wants to have the Norway kingdom laid under him, which no Swedish king before him ever desired, and therewith brings war and distress on many a man. Now it is our will, we bondes, that thou King Olaf make peace with the Norway king, [Olaf the Thick](#), and marry thy daughter [Ingegerd](#) to him. Wilt thou, however, reconquer the kingdoms in the east countries which thy relations and forefathers had there, we will all for that purpose follow thee to the war. But if thou wilt not do as we desire, we will now attack thee, and put thee to death; for we will no longer suffer law and peace to be disturbed. So our forefathers went to work when they drowned five kings in a morass at the [Mula-thing](#), and they were filled with the same insupportable pride thou hast shown towards us. Now tell us, in all haste, what resolution thou wilt take.”

⁴ Plato, *The Laws* [cite]. Aristotle studied the constitutions of various Greek city-states and came to the conclusion in *Politics* that the “rule of law” was a superior form of government. See David Clarke, “The Many Meanings of the Rule of Law,” available at <http://www.lfip.org/lawe506/documents/lawe506davidclarke.pdf>. In a very interesting analysis, Henry C.K. Liu recounts the not-quite-parallel development of the rule of law in China in “The Abduction of Modernity, Part 3” at <http://www.atimes.com/atimes/China/EG24Ad01.html>.

⁵ Tom Paine *Common Sense*, “Thoughts on the Present State of American Affairs” (pamphlet, 3rd ed. 1776), online at <http://www.ushistory.org/Paine/commonsense/sense4.htm>.