

DIVIDED SOVEREIGNTY

A STUDY

Patriotism is an important element in the survival of a people. It also enhances the quality of community life. Some today attack patriotism as an excuse to ignore societal problems, to diminish the extent of defects in our community. Some also criticize patriotism as being jingoistic nativism, almost tribalism. We Patriots, however, love our country and its people, not because it is without flaws, but in spite of its flaws, we celebrate the good, while discouraging the evil. Patriots are grateful for the history and people from whom they have derived happiness. As patriots we respect our fellows and the symbols which remind of us what has made us who we are. What has made us great.

Yet, as Christians, our primary allegiance is not to our country. We belong to the highest power, which claims sovereignty over all peoples and government. We belong to a spiritual kingdom, of which our earth and its inhabitants are only a tiny backwater. While each of us belong to God's spiritual Kingdom, we must of necessity enjoy temporal institutions. These institutions maintain the hierarchy of believers which define our duties within our organizations. Paul referred to this as each of us being a part of a body, each with its unique function. John Winthrop, in his essay "Model of Christian Charity," described how Puritan New England would succeed because each would provide as able to the common good. However, of interest to our subject, we discover that God is three persons. He is Father, Son, and Holy Spirit. Each of these three persons enjoys their own role within God. The word is not in the scripture, but theologians have named this characteristic of God the "Trinity." God is 3 in 1. Both one and 3 simultaneously. Thus God displays a characteristic of divided sovereignty. How can God the Son, question the Father and appeal His role in paying for our sins at Gethsemane? Given the limitations of our intellect, it is difficult to understand the concept of the Trinity, yet by faith we must embrace it as a clear teaching of scripture. As members of God's Kingdom, we are grateful for what He has provided for us. We embrace His

symbols and traditions. We adhere to His instructions in the Bible. This is His Constitution. We strive to be God's Christian Patriots.

Now let us consider our temporal our condition. How do we regulate our relations with one another? As individuals, we don't always agree. To use a sports allegory, we desire an umpire to call the plays between us. Without an umpire, our conflicts can only be resolved by force and violence. In pursuit of securing ourselves, we choose an umpire. We have a social contract, in most places determined by the historical accidents of a place. Unusually, the people of the United States enjoy a written social contract. We have, not accidents of history, but by intentional design, the Constitution of the United States.

What undergirds the thinking regarding our Constitution? First, that humans are evil, therefore our ambitions must be restrained. In most times and places, the historic norm was that "Might makes Right." Those who won violent contests ruled by the sword. Our founders hoped to devise a system of government in which these excesses of the ambitious could be leveraged within the government in such a way that tyranny could never prevail. The Federalist Papers very thoroughly describe the theory underlying the writing of the Constitution. Second, that while tyranny must be discouraged, the government must also be effective. Returning to the sports analogy, what good does it serve to have a blind umpire? So the government must enjoy some coercive power, power to tax to support itself, obtain courts whose decisions are grudgingly, if not enthusiastically, respected, and a reasonable expectation that representatives would actually legislate that which their citizens desired. A government was established in which the ambitions of fallible men were set against one another in such a manner that the government actually served, rather than consumed, the people. Third, that we are all equal siblings in Christ, and His law, therefore we must all be equal before our conventional laws. No position of birth or status exempts an individual from observing the social contract. As with all contracts, those who violate the contract are no longer protected by it. Fourth, understanding that times and peoples change, (and from some humility,) the founders provided for amendment of the Constitution. The bar for amendment was set high to ensure the general consensus of the population regarding these changes.

The device used by the founders to set the checks and balances against human ambition is called “Divided Sovereignty.” The definition of sovereignty:

NOUN

plural sovereignties also sovranities

1. supreme power especially over a body politic
freedom from external control : autonomy
- ...
2. one that is sovereign an autonomous state
3. supreme excellence or an example of it

An umpire is sovereign. His decision is final, not subject question. In government, this kind of power can be arbitrary and tyrannical. When the theory of Divine Right was being developed by the monarchies of Europe, it was effectively making the princes of Europe owners of both the lands and the peoples of their estates. The king’s word was final, there was no further appeal.

How does a people secure themselves from this arbitrary power? The founders devised a system in which sovereignty rested in a large number of stake-holders, each with limited duties. One branch made the law, the next executed the law, another ruled whether the law adhered to the rules and its execution adhered to the laws. Further, the legislators were limited to that about which laws could even be made. In this case, categories of powers, or “enumerated” powers, were defined, dividing powers between the general government and the states. To further limit the power of the Federal government, amendments to the Constitution were passed guaranteeing individual rights over which legislators and courts had no power to violate. Finally, the Constitution provided means to remove malicious holders from office. Using this means of dividing sovereignty, the American public is protected from tyranny. The people are the final umpire, collectively the sovereign, therefore only those tyrannies which the people are willing to tolerate may survive.

Upon this last point, that the people are collectively the final judge, some considerations. The founding fathers emphasized that this Constitution was fit “only for a moral and religious people. It is wholly inadequate to the government of any other.” Can we, as Samuel Adams put it, become so “universally vicious and debauched” that we tolerate enslavement? The founders certainly thought so. Is a political party in this country attempting to so undermine the protections of the Constitution as to render us slaves? Are we, out of apathy, so lazy to permit it?

It is time we consider this last point. What are the arguments, for and against?