

# “CAPITALISM AND THE COLLAPSE OF NEO-ORTHODOXY”

An Apology in favor of

**CHRISTIANITY**

Being a Republication of Natural Law and Natural Religion

And the Foundation of the

**DECLARATION OF INDEPENDENCE (1776)**

and the

**UNITED STATES CONSTITUTION (1787)**

Volume Six

of

*PURITANISM AND THE PRESBYTERIAN ENLIGHTENMENT:*

Or The Religion of Nature as the Foundation of the U. S. Constitution ©

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By

**REV. RODERICK A. L. FORD, J.D., D.LITT., LL.D.**  
Chancellor and Senior Fellow at St. Clements University and  
Fellow of Whitefield Theological Seminary

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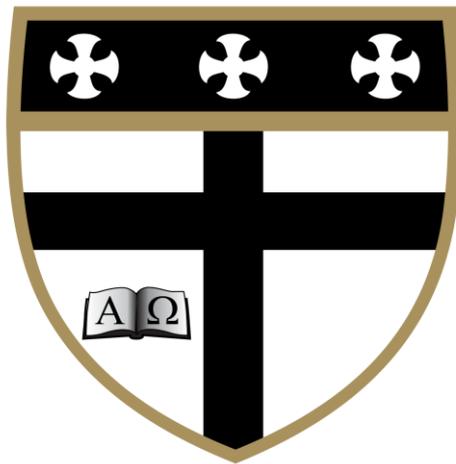
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**VOLUME SIX:**  
**“CAPITALISM AND THE COLLAPSE OF  
NEO-ORTHODOXY”**

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A POSTDOCTORAL STUDY

*Practical Problems in Law and Ministry:  
Puritanism and the Presbyterian Enlightenment*

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# Volume Six: Capitalism and the Collapse of Neo-Orthodoxy

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## The Forethought

The American system of “General Christianity” embraced capitalism as an *ordained way of Christian living*, despite 1 Timothy 6:10’s admonishment stating, “the love of money is the root of all evil.” Therefore, we must suppose that the Torah (“Law”) and the Nevi’im (“Prophets”), which Christ did not abrogate or annul (Matthew 5:17), continued to regulate capitalism as it developed amongst Christian nations, as a part of their “fundamental law.” This fundamental law was designed to implement the demands of general equity and social justice.

When the leaders of public policy and public opinion finally convinced church leaders and Christians that the “doctrine of separation of church and state” foreclosed the field of economics and commercial ethics to critical Christian analysis— whether that analysis occurred in divinity schools and seminaries, or in law schools and graduate schools, or in homes and private quarters— they effectively nullified one of the most important and primary functions of the Church, which is to preach, to teach, and to admonish against social injustice. As a consequence, to a greater or lesser degree, present-day churches lack the functional competencies to do charitable works of alleviating the burdens of the poor. And church leaders, who look to get rich from ministry or from gifts and donations from the rich, will walk through an eye of a needle before they shall ever concern themselves with such charitable works.

In making this assessment, this postdoctoral study tacitly adopts the historical analysis and the conclusions set forth in R. H. Tawney’s *Religion and the Rise of Capitalism*, in Max Weber’s *The Protestant Work Ethic and the Spirit of Capitalism*, and in the life’s work of economist John Kenneth Galbraith, such as *American Capitalism*, *The Affluent Society*, and *The Economics of Innocent Fraud*. The idea of freedom, hard work, and risk-and-reward became fundamental to Christian economic organization. When a Christian man was not praying, attending church services, or caring for his family, he was engaged in his life’s work or calling. But both Tawney and Weber also noted several ironic contradictions with this form of Christian economic organization, and one was its tendency toward “avarice” and “opulence,” which have corroded other Christian virtues such as sexual morality and marriage. The other ironic contradiction was wealth accumulation and monopoly power, thus subordinating both the Church and the State to the interests of an oligarchic elite. This development is not recent, but indeed began in earnest during the 16th century during the reign of Queen Elizabeth I, and continued in earnest during the 17th-century reign of Charles II and the 18th-century reigns of the several kings in the House of Hanover. The problem of monopoly capitalism, predatory capitalism, slave-based capitalism, and the like, have remained a central challenge to Anglo-American political and religious institutions on both sides of the Atlantic Ocean.

As this postdoctoral study is directed primarily to Christian lawyers and Christian judges, it highlights one important example of capitalism’s corrosive effects: the collapse of the implementation of English chancery or equity jurisdiction over secular laws. This study holds that both “chancery” and “equity” are authentic manifestations of the “law of Christ,” which requires good faith and fair dealing, honesty in fact, and reciprocal obligations of civility. When, however, the corrosive effects of materialism and avarice infects the legal and political system with self-interests, and lawyers are paid handsomely to represent those untoward interests, and when judges are appointed to the bench on the basis of their favorable attitude towards those same untoward interests, then the whole system of equity and justice breaks down— and this is especially true with respect to the poor and socially-marginalized groups.

In the organized churches, the effects of avarice and materialism are readily felt among the clergy who, like the lawyers and the judges, rise or fall on the basis of their support and sympathy from a constituency that is often beholden to monied interests and the upper-class social prejudices that come with such interests. Rev. Algernon Sidney Crapsey's *Religion and Politics* (1905) has called them "commercialized churches." Such churches cease to function properly as the body of Christ; they cease to focus on charity for the poor or social justice amongst the body politic; and they oftentimes endorse the ruling economic, political, and social regimes then en-vogue at the moment. In a word, "commercialized churches" are null and void in the Kingdom of God. To change this set of circumstances, and to discharge the Church's duty under the Great Commission (Matthew 28: 19-20), this postdoctoral study recommends that Christian pastors and Christian lawyers form independent "chancery" divisions, whereby the corrosive effects of materialism and capitalism upon the poor, the family, the community, and essential values can be adequately addressed.

RODERICK ANDREW LEE FORD

Whitefield Theological Seminary  
October 21, 2023

# Chapter One

## “The Augustinian Constitution: Family Government, Civil Polity, and the Church”

In the twenty-first century, and especially in the United States, our conventional wisdom in law, public policy, and public discourse has embraced a form of hyper-secularism that categorically rejects the texts of the Holy Bible no matter how sensible or reasonable they may be— and this is especially true with respect to matters regulating human sexuality and the family.<sup>1</sup> But secularism— Christian humanism— has not always been so self-deceived, irrational, and intellectually dishonest in its interpretation of the Holy Bible’s wide purposes and objectives. During the 18th century even the secular theorists and the Deists accepted certain iron laws of Nature and of Nature’s God, which the Holy Bible certainly represented. For instance, when Thomas Jefferson lived and advocated in favor of a secular space where a plurality of opinions and views could be safely expressed, he himself upheld the supremacy of a sort of neo-orthodoxy whereby the law of reason or the law of nature reigned supreme and must be honored and obeyed, regardless of one’s own opinion or personal religion.<sup>2</sup> Thus alluding to

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<sup>1</sup> Volume Six, which discusses the collapse of “neo-orthodoxy,” exemplifies the symbolism of the “Tower of Babel,” which we discussed in Volume One, Chapter Five of this postdoctoral study. In other words, the present-day rejection of the principles of natural law is a form rebellion against “Nature’s God,” “the Supreme Judge of the world,” and “divine Providence”— the same principles upon which the American Declaration of Independence (1776) were founded. This rejection, which is intellectual dishonesty and spiritual rebellion against divine Providence, is often covered over with democratic platitudes such as “We the People.” It is for this reason that Rev. John Wesley (1703 -1791) repeatedly forewarned the American patriots against setting up a secular government in which God was not explicitly acknowledged as sovereign, stating “**There is no Power but of God.**” John Wesley, “Some observations on Liberty” (1776), *The Works of John Wesley* [citation omitted]. As Wesley argued, “neo-orthodoxy” is a very risky foundation upon which to establish a Christian civil polity, but the alternatives afforded under Roman Catholicism, orthodox Anglicanism, and orthodox Calvinism proved to be unworkable, if not altogether catastrophic.

<sup>2</sup> In his “Notes on the State of Virginia,” at “Query XVII” religion, Jefferson wrote, “But our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then.... Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free enquiry, Christianity could never have been introduced. Had not free enquiry been indulged, at the era of the reformation, the corruptions of Christianity could not have been purged away.... Difference of opinion is advantageous in religion. The several sects perform the office of a Censor morum overeach other. Is uniformity attainable? Millions

the consequences of failing or refusing to adhere to the laws of nature and reason, Jefferson stated: “[a]nd can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference!”<sup>3</sup> Furthermore, Jefferson expresses the new way of thinking (i.e., neo-orthodoxy) this way: “Difference of opinion is advantageous in religion.... Reason and persuasion are the only practicable instruments... Free enquiry must be indulged.”<sup>4</sup>

And this neo-orthodoxy, expressed by Jefferson and others, understood “that every search for truth begins with a presupposition of faith.”<sup>5</sup> This *presupposition* of faith is the monopoly of no singular people, nation, or religious sect. This presupposition of faith requires a degree of honesty and fidelity towards facts so that the understanding of truth may be articulated through reasoned speech and writing. This is why the Apostle Paul<sup>6</sup> and Augustine

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of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity.... That if there be but one right [religion], and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free enquiry must be indulged....” pp. 283- 287 of Jefferson’s *Writings* (New York, N.Y.: The Library of America, 1984). See, also, **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

<sup>3</sup> Thomas Jefferson, “Notes on the State of Virginia,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 289. See, also, **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

<sup>4</sup> *Ibid.*, p. 286.

<sup>5</sup> Reinhold Niebuhr, *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), p. 740.

<sup>6</sup> See, e.g., Romans 1:14-15 (“I am debtor both to the Greeks, and to the Barbarians.... So, as much as in me is, I am ready to preach the gospel to you that are at Rome also.”); Romans 1:19-20 (“that which may be known of God is manifest in them...the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead....”); Romans 2:11-16 (“when the Gentiles... do by nature the things contained in the law... shew the work of the law written in their hearts”); Romans 10:8 (“The word is nigh thee, even in thy mouth, and in thy heart”); Romans 10:18 (“But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.”)

of Hippo,<sup>7</sup> even while professing Christ, had acknowledged that they had learned so much from the pagan Gentiles who had not professed Christ but nevertheless sought an understanding of the same truth.<sup>8</sup>

The neo-orthodoxy which the Protestant Reformation and Enlightenment Age ushered in was fundamentally Augustinian.<sup>9</sup> The suzerainty of the Roman Catholic Church, the Church of England, or any particular religious sect or denomination gave way to the sovereignty of a singular God of Nature. Given this new understanding or neo-orthodoxy, the civil polity was inherently a divine instrument whereby mankind must mete out true justice in accordance with divine Providence. In this neo-orthodox Protestant conceptualization of the entire world, there were only two kinds of persons: good and bad. “This race,” wrote Augustine of Hippo in *The City of God*, “we have distributed into two parts, the one consisting of those who live according to man, the other of those who live according to God.”<sup>10</sup>

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<sup>7</sup> St. Augustine, *The City of God*, supra, p. 254.

<sup>8</sup> See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that **Christ is Truth.**”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your **law is the truth** and you are truth.”).

<sup>9</sup> “**Orthodoxy**” pertains to the establishment of churches and state regulation and funding of established churches. “Orthodoxy” is represented in the established churches of Europe, such as the Church of England, and in the established Calvinistic churches in colonial New England, and even in orthodox Judaism. Regarding Judaism, see, e.g., Jerold S. Aurebach, *Rabbis and Lawyers: From Torah to Constitution*, supra, pp. 79-80 (“At the end of the eighteenth century that definition of Judaism, and the way of life that expressed and reinforced it, was irreparably shattered. The Enlightenment, with its sanctification of reason, undermined faith in religious authority. Separating religion from politics, it emphasized liberty, equality, and the rights of free citizens, simultaneously relegating religion to the realm of private conscience. The assertion of state power, and the obligation to obey it, undermined competing claims of religious authority. The benefits of citizenship demanded identification with the state and loyalty to its institutions. The Enlightenment instigated nothing less than ‘a radical rupture not only with traditional habits and beliefs but with the fundamental vision according to which Jews had long understood the world.’) “**Neo-Orthodoxy**” refers to the separation of church functions from the state functions, while acknowledging that both the church and the state remain subordinated to God (i.e., Higher Law, the laws of nature, the laws of reason, general equity, etc.)

<sup>10</sup> St. Augustine, *The City of God*, supra, p. 478. And see, also, *ibid.*, p. 441 (“And thus it has come to pass, that though there are very many and great nations all over the earth, whose rites and customs, speech, arms, and dress, are distinguished by marked differences, yet there are no more than two kinds of human society, which we may justly call two cities, according to the language of our Scriptures. The one consists of those who wish to live after the flesh, the other of those who wish to live after the spirit; and when they severally achieve what they wish, they live in peace, each after their kind.”)

Significantly, Augustine saw within the “city of God” the Jewish nation,<sup>11</sup> which was called out and ordained by God, as recorded in the Sacred Scriptures, but also within “city of God,” he saw a much larger congregation which he called the “Church of the Gentiles,”<sup>12</sup> which encompasses a broad range of righteous men and women from every nation on earth.<sup>13</sup> Within this “Church of the Gentiles,” Augustine accredits the pagan philosophers who “in many points agree with ourselves [i.e., Christians] as regarding the immortality of the soul, and that the true God created the world, and by His providence rules all He has created.”<sup>14</sup> Augustine cited the ancient Roman philosopher Aulus Persius Flaccus (34 - 62 AD),<sup>15</sup> who, as a pagan and Stoic poet, wrote “ [b]e taught, ye abandoned creatures, and ascertain the causes of things; what we are, and for what end we are born; what is the law of our success in life, and by what art we may turn the goal without making shipwreck; what limit we should put to our wealth, what we may lawfully desire, and what uses filthy lucre serves; how much we should bestow upon our country and our family; learn, in short, what God meant thee to be, and what place He has ordered you to fill.”<sup>16</sup> Augustine especially acknowledges and accredits the Greek philosophers, Plato, and the Platonists. “[T]he true and highest good, according to Plato, is God,” Augustine wrote, “and therefore he would call him a philosopher who loves God; for philosophy is directed to the

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<sup>11</sup> Ibid., p.525 (the “Hebrews... The people of Israel among whom was the city of God, mysteriously prefigured in all the people, and truly present in the saints.”)

<sup>12</sup> Ibid., p. 654.

<sup>13</sup> Ibid., p. 696. (The city of God “calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognizing that, however various these are, they all tend to one and the same end of earthly peace.”)

<sup>14</sup> Ibid., p. 39.

<sup>15</sup> “Persius,” Wikipedia (online encyclopedia): [Persius - Wikipedia](#) (“The chief interest of Persius's work lies in its relation to Roman satire in its interpretation of Roman Stoicism, and in its use of the Latin tongue.”)

<sup>16</sup> St. Augustine, *The City of God*, supra, p. 45.

obtaining of the blessed life, and he who loves God is blessed in the enjoyment of God.”<sup>17</sup> But Augustine does not limit his acknowledgment to the Greeks only; but rather, Augustine also acknowledges that there have been “wise men and philosophers among all nations who are discovered to have seen and taught [‘concerning the supreme God, that He is both the maker of all created things, the light by which things are known, and the good in reference to which things are to be done’] by they Atlantics, Libyans, Egyptians, Indians, Persians, Chaldeans, Scythians, Gauls, Spaniards, or of other nations.”<sup>18</sup>

Hence, within Augustine’s theological worldview, the God of Abraham, Isaac, and Jacob was certainly the same universal and cosmopolitan God of many of the pagan Gentiles, including “Nature’s God” and the “Supreme Judge of the world” who is referenced in the American Declaration of Independence(1776), or within other 17th- and 18th-century writings of the Enlightenment philosophers, latitudinarian Anglicans, and neo-orthodox Calvinists. This is because Augustine sees in all nations of the world, even in the ancient world before the time of Christ, a “Church of the Gentiles,” whereby God was made manifest to all peoples of the earth, and with such manifestation having been made *without* any influence from the ancient Hebrews or the Law of Moses.

For example, in *The City of God*, Augustine cited the Assyrian city of Nineveh, to which the Prophet Jonah was sent to preach repentance, as an example of a non-Hebrew people who were members of the “Church of the Gentiles”;<sup>19</sup> and he cited the person of Job, who is the central figure in the Book of Job, as an example of a non-Hebrew person who was one of the

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<sup>17</sup> Ibid., p. 253.

<sup>18</sup> Ibid., p.254.

<sup>19</sup> Ibid, p. 654 (“Wherefore, if that city is rightly held as prophetically representing the Church of the Gentiles... Which Nineveh represented....”).

“the true Israelites, the citizens of the country that is above.”<sup>20</sup> What this theology implies is that *God alone* does the choosing, the calling, the redeeming, and the sanctification, and that these things may be accomplished, as *God alone desires*, outside the boundaries of what some persons may call “orthodox religion” or “visible churches” and the like. Augustinian Christianity is in essence latitudinarian in nature; it is reformed; but it is also the essence of neo-orthodoxy.

Moreover, Augustine explicitly links Pauline theology to his own form of theology (i.e., the future “neo-orthodoxy” of the 18th-century Calvinists) where he explains Paul’s attitude towards pagan philosophy, as follows: “Beware that no one deceive you through philosophy and vain deceit, according to the elements of the world.’ Then, **that he may not suppose that all philosophers are such as do this**, he hears the same apostle say concerning certain of them, ‘Because that which is known of God is manifest among them, for God has manifested it to them. For His invisible things from the creation of the world are clearly seen, being understood by the things which are made, also His eternal power and Godhead.’”<sup>21</sup> The Apostle Paul, wrote Augustine, was only opposed to the bad pagan philosophers, *not the good ones*.

But Augustine’s theology (i.e., “neo-orthodoxy”) can also be seen in some of the core and central issues such as “justification” and “redemption.” For instance, Augustine’s soteriology is also very broad and expansive, particularly in *The City of God*, where he speaks of the ultimate life’s goal of “the peace of immortality,” which is not “sacramental” in an Roman Catholic or Orthodox sense, even “evangelical” in a Protestant sense, but rather “natural” and “universal,” in terms of the laws of Nature and natural religion, to wit:

God, then, the most wise Creator and most just Ordainer of all natures, who placed the human race upon earth as its greatest ornament, imparted to men some good

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<sup>20</sup> Ibid., p. 658.

<sup>21</sup> St. Augustine, *The City of God*, supra, p. 254, Note 8, citing Romans 1: 19-20.

things adapted to this life, to wit, temporal peace, such as we can enjoy in this life from health and safety and human fellowship, and all things needful for the preservation and recovery of this peace, such as the objects which are accommodated to our outward senses, light, night, the air, and waters are suitable for us, and everything the body requires to sustain, shelter, heal, or beautify it: and all under this most equitable condition, that every man who made a good use of these advantages suited to the peace of his mortal condition, should receive ampler and better blessings, namely, *the peace of immortality*, accompanied by glory and honour in an endless life made fit for the enjoyment of God and of one another in God; but that he who used the present blessings badly should both lose them and should not receive the others.<sup>22</sup>

Here, Augustine describes no other religious requirement for the attainment of “the peace of immortality” than to make “**a good use of these advantages suited to the peace of his mortal condition.**”<sup>23</sup> He makes no explicit reference to Christ here, although we may rightly assume that Augustine saw God Himself as being the supreme Author of the human will to make “good use of these advantages.” But the “God” which Augustine describes here is also the “unknown God” who moves all events throughout human history— not just the God of the Hebrews. Both St. Augustine and the Apostle Paul spoke about this “unknown God” who was manifest among the pagan Gentiles. In book four of *The City of God*, Augustine writes, “Concerning the one God only to be worshiped, who, although His name is unknown, is yet to be the giver of felicity.... I thoroughly affirm the statement that they believed felicity to be given by a certain God whom they knew not: let Him therefore be sought after, let Him be worshiped, and it is enough.... This God is not he whom they call Jupiter [i.e., Zeus].”<sup>24</sup> Similarly, the Apostle Paul referenced this same “unknown God” in the Book of Acts, in the following Scriptural passage:

16 Now while Paul waited for them at Athens, his spirit was stirred in him, when he saw the city wholly given to idolatry.

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<sup>22</sup> Ibid., p. 691.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., p. 132.

17 Therefore disputed he in the synagogue with the Jews, and with the devout persons, and in the market daily with them that met with him.

18 Then certain philosophers of the Epicureans, and of the Stoicks, encountered him. And some said, What will this babbler say? other some, He seemeth to be a setter forth of strange gods: because he preached unto them Jesus, and the resurrection.

19 And they took him, and brought him unto Areopagus, saying, May we know what this new doctrine, whereof thou speakest, is?

20 For thou bringest certain strange things to our ears: we would know therefore what these things mean.

21 (For all the Athenians and strangers which were there spent their time in nothing else, but either to tell, or to hear some new thing.)

22 Then Paul stood in the midst of Mars' hill, and said, Ye men of Athens, I perceive that in all things ye are too superstitious.

23 For as I passed by, and beheld your devotions, I found an altar with this inscription, **To The Unknown God**. Whom therefore ye ignorantly worship, him declare I unto you.

24 God that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands;

25 Neither is worshipped with men's hands, as though he needed any thing, seeing he giveth to all life, and breath, and all things;

26 And hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation;

27 That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from every one of us:

28 For in him we live, and move, and have our being; as certain also of your own poets have said, For we are also his offspring.

29 Forasmuch then as we are the offspring of God, we ought not to think that the Godhead is like unto gold, or silver, or stone, graven by art and man's device.

30 And the times of this ignorance God winked at; but now commandeth all men every where to repent:

31 Because he hath appointed a day, in the which he will judge the world in righteousness by that man whom he hath ordained; whereof he hath given assurance unto all men, in that he hath raised him from the dead.

Indeed, Augustine's tendency to find a common spirit and common ground in the works of righteous pagans did not diminish the orthodox nature of his Christian tenets—this is why the rediscovery of Augustine during the Age of the Renaissance ushered in the “neo-orthodoxy”

which catapulted the Protestant Reformation during the period of the Renaissance. The American Declaration of Independence (1776) and the United States Constitutions (1787) exemplified this neo-orthodoxy, which reflected a form of “General Christianity” that was fundamentally Augustinian.

Augustine’s theology, which laid the foundation for the neo-orthodoxy of later centuries, also made the *patrifocal* and *patriarchal* family unit the center and foundation of the civil polity. According to Augustine, this patrifocal and patriarchal family structure was dictated by the law of nature and, therefore, by the law of God.<sup>25</sup> According to Augustine, there was a sort of natural ordering of the sexes within the human family, beginning with the family unit whose head is the father (i.e., *paterfamilias*). Augustine wrote in *Confessions*, while speaking directly to God, the following: “We have also explored the question of what you desired to figure forth, both in the creation and in the description of things in this particular order.... Thus, you subordinated rational action to the higher excellence of intelligence, *as the woman is subordinate to the man.*”<sup>26</sup> For, indeed, we find in Augustine an Aristotelian law of nature— not only extracted from the Sacred Scriptures but also readily observable in God’s creation and in nature itself— whereby the natural laws of sex and gender, or of male and female, can be ascertained:

Thanks be to you, lord! We see the heaven and the earth, either the corporeal part— higher and lower— or the spiritual and physical creation. And we see the light made and divided from the darkness for the adornment of these parts, from which the universal mass of the world or the universal creation is constituted. We see the

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<sup>25</sup> See, also, J. Andrew Dearman, “The Family in the Old Testament,” *Interpretation: A Journal of Bible and Theology* (April 1, 1998), stating:

The Hebrew term to ‘Family’ is *bet’ ab*, literally rendered as ‘father’s house,’ reflecting a male-headed, multigenerational household as the basic unit in ancient Israel. A household was shaped by endogamous marriage rites, patrilineal succession, and inheritance customs that privileged the eldest son.... Another term related to the concept of ‘family’ is *mispaha*, often rendered ‘clan.’ A *mispaha* is a kinship unit of related fathers’ houses. An association of related ‘clans’ would comprise a tribe (*sebet*).

See, also, Brenda Colijn, “Family in the Bible: A Brief Survey,” *Ashland Theological Journal* (AJS 2004), stating: “The Old Testament affirms the biological family, which is assumed to be the basic unit of society.”

<sup>26</sup> St. Augustine, *Confessions*, *supra*, p. 258.

firmament of heaven, either the original body of the world between the spiritual (higher) waters and the corporeal (lower) waters or the expanse of air— which is also called heaven— through which the fowls of heaven wander, between the waters which move in clouds above them and which drop down in dew on clear nights, and those waters which are heavy and flow along the earth. We see the waters gathered together in the vast plains of the sea; and the dray land, first bare and then formed, so as to be visible and well-ordered; and the soil of herbs and trees. We see the light shining from above— the sun to serve the day, the moon and the stars to give cheer in the night; and we see by all these that the intervals of time are marked and noted. We see on every side the watery elements, fruitful with fishes, beasts, and birds— and we notice that the density of the atmosphere which supports the flights of birds is increased by the evaporation of the waters. We see the face of the earth, replete with earthly creatures; and man, created in your image and likeness, in the very image and likeness of you— that is, having the power of reason and understanding— by virtue of which he has been set over all irrational creatures. And just as there is in his soul one element which controls by its power of reflection and another which has been made subject so that it should obey, so also, physically, the woman was made for the man; for, **although she had a like nature of rational intelligence in the mind, still in the sex of her body she should be similarly subject to the sex of her husband**, as the appetite of action is subjected to the deliberation of the mind in order to conceive the rules of right action. These things we see, and each of them is good; and the whole is very good!<sup>27</sup>

In the Apostles Peter<sup>28</sup> and Paul<sup>29</sup> we find this same principle on the ordering and subordination of the sexes being restated in the Sacred Scriptures (i.e., “orthodoxy”), but in Augustine of Hippo, the principle on the subordination of the female sex is demonstrated and extracted from “nature” (i.e., “neo-orthodoxy”), just as similar natural-law principles were formulated in the writings of future *neo-orthodox* Calvinist political theorists and theologians such as Thomas Hobbes, John Locke, and John Witherspoon. The 18th-century philosophers and Christian theologians did not abrogate this Augustinian ordering and subordination of the female to the male sex. And in England and North America, this principle on sexual order and female-to-male subordination was firmly established in the English and American common law and dictated the duties of husband and wife. Especially in colonial New England, the practice of

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<sup>27</sup> Ibid., pp.257 -258.

<sup>28</sup> 1 Peter 3: 1-7.

<sup>29</sup> 1 Timothy 2:13 ( “For Adam was first formed, then Eve.”)

Puritan family government<sup>30</sup> continued. This practice of family government was patrifocal, patriarchal, and deeply-rooted in the Sacred Scriptures, to wit:

“But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.”

-- 1 Corinthians 11:3 (KJV)

This practice of family government was in essence the English common law of the family as well as the ecclesiastical law of the Church of England— both of these laws were incorporated into the common law of the United States during the 1700s and 1800s. Under both the Anglo-American common law and the English ecclesiastical law, the husband was the unquestioned head of the family and household.<sup>31</sup>

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<sup>30</sup> See, e.g., Richard Baxter, *A Christian Directory Or, a Sum of Practical Theology, And Cases of Conscience* (Part 2 Christian Economics)(reprinted in Columbia, S.C. on January 18, 2019), p 29. (“the particular family relations are expressly sanctified. The family complete consisteth of three pairs of relations; husband and wife, parents and children, masters and servants. Husbands must love their wives with a holy love in the Lord, even as ‘the Lord loved the church, who gave himself for it, to sanctify and cleanse it by the washing of water by the word, that he might present it to himself a glorious church.’ Eph. V. 25-27. ‘Wives must submit themselves to their husbands as unto the Lord; and be subject to them, as the church is to Christ,’ Eph. V. 22-24. ‘Children must obey their parents in the Lord,’ Eph. Vi. 1. ‘Parents must bring up their children in the nurture and admonition of the Lord,’ Eph. Vi.4.”)

<sup>31</sup> See, e.g., Richard Baxter, *A Christian Directory Or, a Sum of Practical Theology, And Cases of Conscience* (Part 2 Christian Economics)(reprinted in Columbia, S.C. on January 18, 2019), p. 61 (“The husband is to be the mouth of the family.... He must be as it were the priest of the household....”).

See, also, American Jurisprudence (First Edition), “Head of Family” § 10:

#### § 10 Head of Family

The husband, unless incapacitated from executing the authority and performing the duty, is head of the family. This is so, not only at common law, but under the Married Women’s Acts. It is not the purpose of these acts to depose the husband from the position given him by the common law as the head of the family. It is necessary to the unity and preservation of the family, which is regarded as the basis of the state, to have a single head with control and power, and the husband is made that head and, in return, is made responsible for the maintenance and, at common law, for the conduct of his wife. Such fundamental authority is necessary to his duty to protect and provide for his wife and children.

The authority of the husband as the head of the family gives him the right, acting reasonably, to direct the family’s affairs and to determine where and what the home of the family shall be, and thus, to establish the matrimonial and family domicile. The view has been taken that this right of the husband is not limited to the state or country in which the parties live at the time of their marriage, but in these days of easy

Hence, within this general framework on the sexual order and female-to-male subordination, Augustine of Hippo prescribed the *family unit* (i.e., well-ordered government of the family) as being the indispensable element of a thriving and healthy civil polity. To that end, Augustine of Hippo held that the *family unit* and the *civil polity* were reciprocal reflections and beneficiaries of each other, to wit:

And therefore, although our righteous fathers (i.e., The Patriarchs) had slaves, and administered their domestic affairs so as to distinguish between the condition of slaves and the heirship of sons in regard to the blessings of this life, yet in regard to the *worship of God*, in whom we hope for eternal blessings, they took an equally *loving oversight of all the members of their household*. And this is so much in accordance with the *natural order*, that the *head of the household* was called *paterfamilias*; and this name has been so generally accepted, that even before those whose rule is unrighteous are glad to apply it to themselves. But those who are true fathers of their households desire and endeavor that all the members of their households, equally with their own children, should worship and win God, and should come to that heavenly home in which the duty of ruling men is no longer necessary, because the duty of caring for their everlasting happiness has also ceased; but, until they reach that home, masters ought to feel their position of authority a greater burden than servants their service. And if any member of the family interrupts the *domestic peace* by disobedience, he is corrected either by word or blow, or some kind of just and legitimate punishment, such as society permits, that he may himself be the better for it, and be readjusted to the family harmony from which he had dislocated himself.... Since, then, *the house ought to be the beginning or element of the city*, and every *beginning bears reference to some end* of its own kind, and every *element to the integrity of the whole* of which it is an element, it follows plainly enough that *domestic peace* has a relation to *civic peace*—in other words, that the well-ordered concord of domestic obedience and domestic rule has a relation to the well-ordered concord of civic obedience and civic rule. And therefore it follows, further, that the *father of the family* ought to frame his domestic rule in accordance with the law of the city, so that the *household* may be in harmony with the *civic order*.<sup>32</sup>

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communication between different countries and different parts of the same country, he may exercise it, where acting reasonably, in a way which will change his citizenship and allegiance. But he must act with due regard to the welfare, comfort, and peace of mind of his wife, and to her legal status as the mistress of his home, his companion, the sharer of his fortune, and not his servant. She is under duty to submit to such reasonable governance of the family by the husband.

A husband is responsible to society for the good order and decency of the household, and this is true under Married Women's Acts endowing married women with separateness and equality of legal responsibility. The wife is the head of the family in so far as the husband is incapacitated from performing the duty.

<sup>32</sup> Ibid., pp. 694 - 695.

This Augustinian constitutional order represented the laws of Nature that were incorporated into the neo-orthodox scheme of Protestantism and into Anglo-American common law as well as the laws of Puritan colonial New England:

**The Augustinian Constitutional Order**<sup>33</sup>

**Family Government <-----> Civil Polity (i.e., the State)**

**“Puritanism, the Family, and Family Government”**<sup>34</sup>

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**I. Puritanism and Family Law: Christian Theology**

1. Sanctification of the Family Unit
  - a. The Covenants of Noah and Abraham
  - b. The First Passover and Circumcision— Family Sacraments
2. The Family Covenant
  - a. Family as Church
  - b. Family Prayer and Family Time
  - c. Holy Education of Children
3. The Family as Basic Unit of the Christian Commonwealth

**II. Puritanism and Family Law: Christian Theology**

4. General Duties and Obligations during Marriage
  - a. Duty to Help Each Other to Salvation
  - b. Duty to Guard against Dissension and Discord
  - c. Duty to Maintain Conjugal Love
5. Specific Duties and Obligations during Marriage

<sup>33</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), p. 173 (“the triangular relation of family-church-state”).

<sup>34</sup> This chart was taken from the theological writings of the Reverend Richard Baxter (1615 – 1691). Richard Baxter, *A Christian Directory (or, A Sum of Practical Theology, and Cases of Conscience)*, Part 2, Economics (reprinted in Columba, S.C. on January 18, 2019).

- a. Husband's duties to wife
- b. Wife's duties to husband
- c. Wife's duties regarding, and control over, marital property

6. Cases of Conscience: Marriage, Separation and Divorce

**III. Sacred Duties of the Parent-Child Relation**

7. Duty of Infant Baptism
8. Duty of Confirmation
9. Duty to Train Children to be in Obedience to Parents, etc.
10. Duty of Correction
11. General Duties and Obligations of Children to Parents
12. General Duties and Obligations of Children to God
13. Duty of Parents to provide a Christian Education

**IV. Sacred Duties of the Lord's Day and of Daily Living**

14. Duty of Holiness on the Lord's Day
15. Duty of Holy Living Each Day of the Week
16. Duty of Holy Instruction to Servants and Slaves on the Lord's Day

In the West, in England, in colonial British North America, and in the new United States, the institution and teachings of the organized Christian churches retained great influence over the organization and institution of the family— i.e., its formation, customs, regulation, and laws. Therefore, in truth, it is a fair assessment to include the “church” within this Augustinian constitutional order that became the foundation heritage of the West and the United States.<sup>35</sup>

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<sup>35</sup> The term “ancient Augustinian constitutional order” means the synthesis of ancient Greek and *cal Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8:

In dating the origins of Western civilization, and consequently of its constitution, the publication of Augustine's *De Civitate Dei* [Of the City of God] serves as well as any for a reference point. This book was perhaps the most important ever written in the West; for a thousand years after its publication it

**Family Government <-----> Church Government <-----> Civil Polity (e.g., the State)**<sup>36</sup>

Under this Augustinian constitutional scheme, it is certainly the duty of family governors (i.e., mothers and fathers), church leaders, and civil magistrates to advocate for moral and social principles that establish justice and promote the health and security of the family as well as the public good. Augustine believed that if the civil polity would survive (i.e., civic peace), then natural law (i.e., domestic peace) mandated that the health and security of the family unit was *sine qua non*.<sup>37</sup>

### **Homosexuality, License, and Sodomy**

Augustine noted that sexual promiscuity and unregulated licentiousness were primary and major factors in the demise of the Roman republic and the decline and fall of the Roman empire. “For why in your calamities,” wrote Augustine in *The City of God* “do you complain of Christianity, unless because you desire to enjoy your luxurious license unrestrained, and to lead an abandoned and profligate life without the interruption of any uneasiness or disaster? ... [F]or your purpose rather is to run riot in endless variety of sottish pleasures, and thus to generate from your prosperity a moral pestilence which will prove a thousand more disastrous than the fiercest enemies.”<sup>38</sup> Augustine references the warning from Scipio Nasica, “Rome’s best man,” against “allowing the luxurious manners of Greece to sap the Roman manliness, and

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exercised an influence unrivalled by any other, besides the Bible itself. For good reason, one writer calls it ‘The Charter of Christendom.’

<sup>36</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), p. 173 (“the triangular relation of family-church-state”).

<sup>37</sup> Within the African American community, the institution of chattel slavery poisoned the health and security of this entire constitutional order. The sexuality of slave bodies fomented licentiousness that decimated black families but also tainted the institution of white marriage. For example, the proliferation of illegitimate mulatto children on slave plantations exemplified the problem of licentiousness that negatively impaired white family relations in the American South. Frederick Douglass frequently references this problem in his three autobiographies, including *My Bondage and My Freedom* and *The Life and Times of Frederick Douglass*.

<sup>38</sup> St. Augustine, *The City of God*, supra, p. 35.

persuaded them not to yield to the enervating and emasculating influence of foreign licentiousness”;<sup>39</sup> as well as Scipio’s desire that the Romans “not abandon [them]selves to luxurious manners.”<sup>40</sup> Augustine’s conservative views on effeminate men and sodomy were certainly aligned with the plain text of the Old Testament<sup>41</sup> as well as the writings of the Apostle Paul in his Epistle to the Romans.<sup>42</sup> Throughout *The City of God*, Augustine expressly disdained effeminate men.<sup>43</sup> In *Confessions*, Augustine described sodomy as an offense against nature and the laws of God.<sup>44</sup> And, as previously mentioned, Augustine of Hippo ascribed his theological views and observations not to the temporary fashion of human customs but rather to an eternal and divine sexual order and principle of female-to-male subordination that is evidenced in the creation of the earth— “[t]hese things we see, and each of them is good; and the whole is very good!”<sup>45</sup>

A central conclusion of Augustine’s *The City of God* is that “the Roman republic had already been ruined by the depraved moral habits of the citizens.”<sup>46</sup> Throughout the second book of *The City of God*, Augustine goes through great lengths to demonstrate that the Romans took “pleasure in ... obscenities... licentious acts.... debauchery.”<sup>47</sup> Augustine explained the

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<sup>39</sup> Ibid., p. 36.

<sup>40</sup> Ibid., p. 37.

<sup>41</sup> Ibid.

<sup>42</sup> Romans 1:26-27

<sup>43</sup> St. Augustine, *The City of God*, supra, p. 46 (“... The effeminate being consecrated....”); p. 196 (“[I]t is not according to nature, but contrary to nature, that men should be effeminate.”); Ibid., pp.232 -233 (“Concerning the effeminate....”).

<sup>44</sup> St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36 (“Similarly, offenses against nature are everywhere and at all times to be held in detestation and should be punished. Such offenses, for example, were those of the Sodomites; and, even if all nations should commit them, they would all be judged guilty of the same crime by the divine law, which has not made men so that they should ever abuse one another in that way.”)

<sup>45</sup> St. Augustine, *Confessions*, supra, pp.257 -258.

<sup>46</sup> St. Augustine, *The City of God*, supra, p. 69.

<sup>47</sup> Ibid., pp. 69 -71.

fundamental problem this way: “[f]or there is pleasure in eating and drinking, pleasure also in sexual intercourse. But when it is preferred to virtue, it is desired for its own sake, and virtue is chosen only for its sake, and to effect nothing else than the attainment or preservation of bodily pleasure. And this, indeed, is to make life hideous; for where virtue is the slave of pleasure it no longer deserves the name virtue.”<sup>48</sup> “At present,” Augustine wrote, “I speak of **the decay of morality**, which at first almost imperceptibly lost its brilliant hue, but afterwards was wholly obliterated, was swept away as by a torrent, and involved the republic in such disastrous ruin, that though the houses and walls remained standing, the leading writers do not scruple to say that the republic was destroyed.”<sup>49</sup> Augustine forewarned the ancient Romans to repent,<sup>50</sup> to accept the Christian religion which he called “health-giving,”<sup>51</sup> and to adhere to the sound doctrines and teachings of the Christian churches that had been established for the purpose of providing instruction.<sup>52</sup> Hence, in order to rule wisely, Augustine counseled that the civil magistrates ought not to hesitate to have a partnership with true Christians or church leaders who are true Christians.<sup>53</sup>

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<sup>48</sup> Ibid., p.670.

<sup>49</sup> Ibid., p. 64.

<sup>50</sup> Ibid., pp. 72-73.

<sup>51</sup> Ibid., pp. 71-72.

<sup>52</sup> Ibid., p. 45 (“...our churches [were] built for this purpose in every land where the Christian religion is received.”)

<sup>53</sup> Ibid., p. 178 (“[T]hey rule justly...if more than their own they love that kingdom in which they are not afraid to have partners.”) Significantly, Augustine’s view of the organized Christian Church was not the same as the Medieval Roman Catholic view, or even the present-day Roman Catholic view, of the Church. Augustine saw the true Christian Church as being “invisible” and thoroughly intermixed in all the nations of the earth. Ibid., p. 660 (“It was given as the chief and most necessary sign of His coming on those who had believed, that every one of them spoke in the tongues of all nations; thus signifying that the unity of the catholic Church would embrace all nations, and would in like manner speak in all tongues.”) Within the organized Christian Churches could be found the “enemies” of Christ; and within non-Christian or worldly spaces could be found the “saints” of Christ. Ibid at p.38. (“But let this [earthly] city bear in mind,” wrote Augustine, “that among her enemies lie hid those who are destined to be fellow-citizens.... [T]he city of God has in her communion, and bound to her by the sacraments, some who shall not eternally dwell in the lot of the saints.... In truth, these two cities are entangled together in this world, and intermixed until the last judgment effect their separation.”) Ibid at 668 (“[T]he mortal course of the two cities, the heavenly and the earthly, which are mingled together from the beginning down to the end.”) This Augustinian

St. Augustine had surmised that the Roman Republic's greatness was due in large measure to a historical period wherein "equity and virtue prevailed among the Romans not more by force of laws than of nature";<sup>54</sup> but that eventually the Roman Republic's decline was due in large measure to "the iniquities of Rome."<sup>55</sup> For in *The City of God*, St. Augustine says that even Cicero confessed that within the Roman Republic, "[m]orality has perished through poverty of great men; a poverty for which we must not only assign a reason, but for the guilt of which we must answer as criminals charged with a capital crime. For it is through our vices, and not by any mishap, that we retain only the name of a republic, and have long since lost the reality."<sup>56</sup> To this, St. Augustine added that the fall of the Roman empire was due in large measure to "the decay of morality" which "involved the republic in such disastrous ruin, that though the houses and walls remained standing, the leading writers do not scruple to say that the republic was destroyed."<sup>57</sup> At one point in its long history, "Rome's severe morality and her citizens," noted Augustine, "[were] her safeguard."<sup>58</sup> However, the Roman republic, says St. Augustine, became enslaved to sin, and that this republic declined and collapsed because the Roman people were "[d]epraved by good fortune, and not chastened by adversity,"<sup>59</sup> and not told to heed sound moral

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description of the true "catholic" Church lent credence to the Protestant Reformation and the leaders of its various sects.

<sup>54</sup> St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 55.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., p. 62.

<sup>57</sup> Ibid., p. 64.

<sup>58</sup> Ibid., p. 62.

<sup>59</sup> Ibid., p. 37.

doctrine. In a word, says St. Augustine, the ancient Romans became immoral, criminous, and licentious; and this immoral state of affairs, without the Church of God to teach and influence them,<sup>60</sup> was the chief cause of the fall of the Roman republic.

Moreover, Augustine noted that the public officials of ancient Rome demonstrated little or no concern about the deterioration in morality, virtue, and integrity of its citizens; and that these Roman public officials were unwilling to curtail public indecency or to promote holiness, righteousness, and justice. On the contrary, the Roman officials endorsed (i.e., gave a “wink and a nod” to) moral relativism and the liberty of licentious, avaricious, and rapacious living. Augustine thus described these conditions as follows:

But the worshippers and admirers of these [pagan] gods delight in imitating their scandalous iniquities, and are nowise concerned that the republic be less depraved and licentious. Only let it remain undefeated, they say, only let it flourish and abound in resources; let it be glorious by its victories, or still better, secure in peace; and what matters it to us? This is our concern, that every man be able to increase his wealth so as to supply his daily prodigalities, and so that the powerful may subject the weak for their own purposes.

Let the poor court the rich for a living, and that under their protection they may enjoy a sluggish tranquility; and let the rich abuse the poor as their dependants, to minister to their pride.

Let the people applaud not those who protect their interests, but those who provide them with pleasure.

Let no severe duty be commanded, no impurity forbidden.

Let kings estimate their prosperity, not by the righteousness, but by the servility of their subjects.

Let the provinces stand loyal to the kings, not as moral guides, but as lords of their possessions and purveyors of their pleasures; not with a hearty reverence, but a crooked and servile fear.

Let the laws take cognizance rather of the injury done to another man's property, than of that done to one's own person. If a man be a nuisance to his neighbor, or injure his property, family, or person, let him be actionable; but in his own affairs let

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<sup>60</sup> Ibid., p. 45 (“Let them name to us the places where such instructions were wont to be communicated from the gods, and where the people who worshipped them were accustomed to resort to hear them, as we can point to our churches built for this purpose in every land where the Christian religion is received.”)

every one with impunity do what he will in company with his own family, and with those who willingly join him.

Let there be a plentiful supply of public prostitutes for every one who wishes to use them, but specially for those who are too poor to keep one for their private use.

Let there be erected houses of the largest and most ornate description: in these let there be provided the most sumptuous banquets, where every one who pleases may, by day or night, play, drink, vomit, dissipate.

Let there be everywhere heard the rustling of dancers, the loud, immodest laughter of the theatre; let a succession of the most cruel and the most voluptuous pleasures maintain a perpetual excitement. If such happiness be distasteful to any, let him be branded as a public enemy; and if any attempt to modify or put an end to it, let him be silenced, banished, put an end to.

Let these be reckoned the true gods, who procure for the people the condition of things, and preserve it when once possessed.

Let these be worshipped as the wish; let them demand whatever games they please, from or with their own worshippers; only let them secure that such felicity be not imperiled by foe, plague, or disaster of any kind.<sup>61</sup>

Similarly, Rev. Algernon Sidney Crapsey attributed the decline and fall of the Roman Republic to “the **corruption of female virtue** and the **extinction of the family**.”<sup>62</sup> Here, both Augustine and Crapsey describe a type of “*life, liberty, and pursuit of happiness*” constitutional logic which may naturally arise and occur within public discourse wherever there is no “severe morality”<sup>63</sup> or no “health-giving” Christian religion<sup>64</sup> to lead and to guide personal and public morals. In the case of Great Britain and the colonies of British North America, the Rev. John Wesley (1703 - 1791) forewarned the Americans that “there is no power but from God,” at that their patriotic rhetoric of “liberty” could prove deadly destructive. For instance, in 1776, Rev. Wesley published an essay titled “Some Observations On Liberty,” in which he pressed the same point, stating:

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<sup>61</sup> Ibid., pp. 59-60.

<sup>62</sup> Algernon Sidney Crapsey, *Religion and Politics*, supra, pp. 20-21.

<sup>63</sup> St. Augustine, *The City of God*, supra, p. 62.

<sup>64</sup> Ibid., pp. 71-72.

The supposition, then, that the people are the origin of power, or that ‘all government is the creature of the people,’ though Mr. Locke himself should attempt to defend it, is utterly indefensible. It is absolutely overturned by the very principle on which it is supposed to stand, namely, that ‘a right of choosing his Governors belongs to every partaker of human nature.’ If this be so, then it belongs to every individual of the human species; consequently, not to freeholders along, but to all men; not to men only, but to women also; not only to adult men and women, to those who have lived one-and-twenty years, but to those that have lived eighteen or twenty, as well as those who have lived threescore. But none did ever maintain this, nor probably ever will; therefore, this boasted principle falls to the ground, and the whole superstructure with it. So common sense brings us back to the grand truth, **‘There is no power but of God.’**<sup>65</sup>

Arguably, the Rev. John Wesley had been right in his assessment that the American Revolution had never promoted real “liberty” for “the people,” but rather that revolutionary struggle was about “independence,” so that a small minority of persons, on both sides of the Atlantic, might profit. There is a strong argument that could be made that, like the ancient Romans who cared mostly about the attainment of avaricious wealth and rapacious empire-building, the American capitalists (including especially the American slaveholders) might subvert the lofty language in the American Declaration of Independence (1776) (e.g., “all men are created equal.... life, liberty and the pursuit of happiness” etc.) and the lofty language in the United States Constitution (e.g., “We the People....”). Rev. Wesley had pointed out that, in the American colonies, only about one-tenth<sup>66</sup> of the colonists were eligible to vote, due to property requirements and restrictions of the votes to white male adults!<sup>67</sup> Thus, according to Rev. Wesley, the American Revolution of ’76 and ’87 was not likely being executed for the benefit of

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<sup>65</sup> John Wesley, “Some observations on Liberty” (1776), *The Works of John Wesley* [citation omitted].

<sup>66</sup> “[B]y the people they mean scarce a tenth part of them,” wrote Rev. John Wesley in “Thoughts Concerning the Origin of Power” (1772), *The Works of John Wesley* [citation omitted].

<sup>67</sup> John Wesley, “A Calm Address to our American Colonies” (1775), *The Works of John Wesley* [citation omitted].

“the people.”<sup>68</sup> And Wesley continuously reminded the American patriots that there “**There is no power but of God.**”<sup>69</sup>

With no established “Church of England,” one might argue that it was easy for subsequent generations of Americans to reject the Wesleyan notion that “there is no power but of God”<sup>70</sup> and to subvert the plain fact that the United States was built up and firmly established upon Augustinian-Calvinistic-Protestant theological principles, and to subvert the lofty principles that had been contained within the American Declaration of Independence (1776) and the U. S. Constitution (1787),<sup>71</sup> and reverting to an ancient

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<sup>68</sup> Here, we might rightfully conclude that Rev. Wesley’s definition of “the people” was the same as that of St. Augustine of Hippo. See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 62 (“Scipio reverts to the original thread of discourse, and repeats with commendation his own brief definition of a republic, that it is the weal of the people. ‘The people’ he defines as being not every assemblage or mob, but an assemblage associated by a common acknowledge of law, and by community of interests. Then he shows the use of definition in debate; and from these definitions of his own he gathers that a republic, or ‘weal of the people,’ then exists only when it is well and justly governed, whether by a monarch, or an aristocracy, or by the whole people.”)

<sup>69</sup> John Wesley, “Some observations on Liberty” (1776), *The Works of John Wesley* [citation omitted].

<sup>70</sup> Ibid.

See, also, Romans 13:1-4 (“Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.”) Paul’s theology on the civil magistrate became a part of the English common law as early as the 13<sup>th</sup>-century. See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990, pp. 205-206; and see, also, See, e.g., William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377, to wit:

An echo of these expositions we have in our Declaration of Independence. [Henry de] Bracton, in his exposition of Romans xiii., had said:

‘He is called a king for ruling righteously, and not because he reigns. Wherefore he is a king when he governs with justice, but a tyrant when he oppresses the people committed to his charge.’

In nearly the same language our Declaration of Independence abjures the authority of the British monarch:

‘A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.’

These words of Jefferson seem but a paraphrase or application of Bracton’s, and Bracton’s are but his own reference from his own exposition of Paul.

<sup>71</sup> See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution which it

Greco-Roman system of *moral relativism* that undermined the Augustinian “family-church-state” constitution and the latitudinarian Anglican/ neo-orthodox Calvinist conception of the laws of Nature.<sup>72</sup> Was it possible for the several leading Protestant denominations in the new United States of America, and in succeeding decades and centuries, to replicate the same sort of ecclesiastical partnerships, moral authority, and suasion upon the American body politic as the Church of England’s partnership, moral authority, and suasion upon Parliament and the British body politic?<sup>73</sup> Was it likely that, given the political economy in which the new United States was born, that its several American Protestant churches would collectively serve as “partners”<sup>74</sup> with the several

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devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of god on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; **it is a holy religion**.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.”)

<sup>72</sup> See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159 (“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”). See generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733). See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

<sup>73</sup> See, generally, William Warburton, *Alliance of Church and State* (1736) [citation omitted]. According to Bishop Warburton, the Bishops’ seat in Parliament comprised a grand “alliance” between the church and the state, since the “Church, by this alliance, having given up its Supremacy to the State... the principal Churchmen are placed in a Court of Legislature, as Watchmen to prevent the mischief, and to give the Church’s Sentiments concerning Laws Ecclesiastical. But when the Alliance is broken, and the Establishment dissolved, **the Church recovers its Supremacy.**” See, also, Jeremy Gregory, Editor, *The Oxford History of Anglicanism: Establishment and Empire, 1662 – 1829*, Vol. II (Oxford, U.K.: Oxford University Press, 2017), p. 69 (“[T]he English state and Church were two sides of the same coin so that Parliament could be seen as the ‘lay synod’ of the Church of England ....”)

<sup>74</sup> St. Augustine, *The City of God*, supra, p. 178.

state and federal governments, as Augustine had suggested in *The City of God*?<sup>75</sup> In theory, at least constitutionally speaking, the answer to these questions is, “Yes.” However, as this volume shall demonstrate, the rise of American capitalism, global commercialism and related global business interests have impeded the several Protestant Churches from fulfilling this role;<sup>76</sup> and, as a consequence, the Augustinian “family-church-state” constitutional framework, upon which the Declaration of Independence (1776) and the United States Constitution (1787) were predicated, have deteriorated over time. This volume suggests, and attempts to demonstrate, that the deterioration of this Augustinian “family-church-state” constitutional order was readily apparent from the start of the American republic, particularly when measured by the oppressive manorial laws of Medieval England that were retained within the American legal system thus suppressing the landless and the poor of all races;<sup>77</sup> and also when measured by the plight of the family structure and the abject socioeconomic conditions of this nation’s African slaves,<sup>78</sup> as

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<sup>75</sup> Ibid.

<sup>76</sup> See, generally, Algernon Sidney Crapsey, “The Commercialized Church in a Commercialized State,” *Religion and Politics*, supra, pp. 256 - 275.

<sup>77</sup> See, e.g., Gustavus Myers, *History of the Supreme Court of the United States* (1912), supra, stating:

[The] lawyers themselves sprang from the ruling class, but with the fewest and most creditable exceptions, all others of that profession sought to ingratiate themselves into the favor of the rich by flattering, pleasing and serving them with an excess of zeal in stamping down the worker still further by statutes ingeniously borrowed from medieval law, or by harrowing the worker in the courts with lawsuits in which these attorneys by every subtle argument appealed to the prejudices of the judge, already antagonistic to the worker and prejudiced against him. Even if the judge, perchance, were impartially and leniently disposed, the laws, as they were, left him no choice. Reading the suits and speeches of the times, one sees clearly that the lawyers of the masters outdid even their clients in asserting the masters’ lordly, paramount rights and powers, and in denying that any rights attached to the under class.’

<sup>78</sup> See, e.g., Daniel P. Moynihan, *The Negro family: The Case for National Action*. Washington, DC: Office of Policy Planning and Research, U.S. Department of Labor (March 1965)(“It was by destroying the Negro family under slavery that white America broke the will of the Negro people.”)

See, also, Alexis de Tocqueville, *Democracy in America*, Chapter XVIII: Future Condition of Three Races- Part I (“The negro has no family; woman is merely the temporary companion of his pleasures, and his children are upon

manifest in what may called a global “Slave Power,” whose vital interests were manifested in, and exemplified by, the U. S. Supreme Court’s holding in the case of *Dred Scott v. Sandford*, 60 U.S. 393 (1857). Generally, American culture and capitalism have thoroughly captivated and suppressed most, if not all, the mainline American churches—and this has been true since at least the early 1900s,<sup>79</sup> and it is most readily felt in the schismatic controversies involving human sexuality and same-sex marriages in the churches.<sup>80</sup>

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an equality with himself from the moment of their birth. Am I to call it a proof of God’s mercy or a visitation of his wrath, that man in certain states appears to be insensible to his extreme wretchedness, and almost affects, with a depraved taste, the cause of his misfortunes? The negro, who is plunged in this abyss of evils, scarcely feels his own calamitous situation. Violence made him a slave, and the habit of servitude gives him the thoughts and desires of a slave; he admires his tyrants more than he hates them, and finds his joy and his pride in the servile imitation of those who oppress him: his understanding is degraded to the level of his soul.”)

See, also, W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), p. 368. (“The red stain of bastardy, which two centuries of systematic legal defilement of Negro women had stamped upon his race, meant not only the loss of ancient African chastity, but also the hereditary weight of a mass of corruption from white adulterers, threatening almost the obliteration of the Negro home.”) *Ibid.* at p. 436 (“O Southern Gentlemen! If you deplore their [African Americans] presence here, thy ask, Who brought us? Why you cry, Deliver us from the vision of intermarriage, they answer that legal marriage is infinitely better than systematic concubinage and prostitution. And if in just fury you accuse their vagabonds of violating women, they also in fury quite as just my reply: The wrong which your gentlemen have done against helpless black women in defiance of your own laws is written on the foreheads of two million of mulattoes, and written in ineffaceable blood.”)

See, also, Roderick O. Ford, *Labor Matters: The African American Labor Crisis, 1861-Present* (Tampa, Fl: Xlibris Pub., 2015):

Writing on this same point, Frederick Douglass observed that ‘[s]lavery had no recognition of fathers, as none of families. That the mother was a slave was enough for its deadly purpose. By its law the child followed the condition of its mother. The father might be a freeman and the child a slave. The father might be a white man, glorying in the purity of his Anglo-Saxon blood, and his child ranked with the blackest slaves. Father he might be, and not be husband, and could sell his own child without incurring reproach, if in its veins coursed one drop of African blood.’

<sup>79</sup> See, generally, Algernon Sidney Crapsey, “The Commercialized Church in a Commercialized State,” *Religion and Politics*, supra, pp. 256 - 275; *Ibid.*, pp. 276 - 296 (“The Present State of the Churches”). See, also, W.E.B. Du Bois, “The Revelation of Saint Orgne the Damned,” *Writings*, supra, pp. 1058, stating:

[B]ehold the Vision of the Seven Black Churches of America,— the Baptist, the four wings of Methodism, the Roman and Episcopal Catholics. Their five millions of members in 40,000 groups, holding \$ 200,000,000 in their hands, are the most strongly organized body among us; the first source of our group culture, the beginning of our education— what is this church doing today toward its primary task of teaching men right and wrong, and the duty of doing right? The flat answer is nothing if not less than nothing....

<sup>80</sup> See, e.g., “List of Denominational Positions on Homosexuality,” *Wikipedia* (online encyclopedia).

This volume six is an extension of our discussion of general equity which is set forth in the preceding volumes. This volume, however, focuses our attention upon a narrower discussion of equity as it relates to *economic relations* between nations and human beings. More specifically, our discussion here centers upon *economic justice* from an Augustinian perspective, to wit:

How like kingdoms without justice are to robberies[:]

Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. If, by the admittance of abandoned men, this evil increases to such a degree that it holds places, fixes abodes, takes possession of cities, and subdues peoples, it assumes the more plainly the name of a kingdom, because the reality is now manifestly conferred on it, not by the removal of covetousness, but by the addition of impunity. Indeed, that was an apt and true reply which was given to Alexander the Great by a pirate who had been seized. For when the king had asked the man what he meant by keeping hostile possession of the sea, he answered with bold pride, 'What thou meanest by seizing the whole earth; but because I do it with a petty ship, I am called a robber, whilst thou who dost it with a great fleet art styled emperor.'<sup>81</sup>

But let us suppose a case of two men; for each individual man, like one letter in a language, is as it were the element of a city or kingdom, however far-spreading in its occupation of the earth. Of these two men let us suppose that one is poor, or rather of middling circumstances; the other very rich. But the rich man is anxious with fears, pining with discontent, burning with coveteousness, never secure, always uneasy, panting from the perpetual strife of his enemies, adding to his patrimony indeed by these miseries to an immense degree, and by these additions also heaping up most bitter cares. But that other man of moderate wealth is contented with a small and compact estate, most dear to his own family, enjoying the sweetest peace with his kindred neighbours and friends, in piety religious, benignant in mind, healthy in body, in life frugal, in manners chaste, in conscience secure. I know not whether any one can be such a fool, that he dare hesitate which to prefer. As, therefore, in the case of these two men, so in families, in two nations, in two kingdoms, this test of tranquility holds good....<sup>82</sup>

I speak of the *decay of morality*, which at first almost imperceptibly lost its brilliant hue, but afterwards was wholly obliterated, was swept away as by a torrent, and involved the republic in such disastrous ruin, that though the houses and walls remained standing, the leading writers do not scruple to say that the *republic was destroyed*.<sup>83</sup>

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<sup>81</sup> St. Augustine, *The City of God*, supra, pp. 112- 113.

<sup>82</sup> Ibid., pp. 111- 112.

<sup>83</sup> Ibid., p. 64.

[A] republic cannot be administered without *justice*.<sup>84</sup>

Here, Augustine of Hippo plainly speaks of a nation's economic activity in connection with its tending towards avarice, greed, and spiritual decadence. The implication here is that there is an inescapable nexus between moral decline or national sin and *political instability* and *economic decline* within any body politic. From this perspective, Augustine's analysis of the decline and fall of the Roman empire in *The City of God*, as applied historically to Great Britain and the United States and in our present times, is fully vindicated in this volume.

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<sup>84</sup> Ibid., p. 699.

## Chapter Two

### “Adam Smith: A Scottish-Presbyterian Economist and Theologian”

In the economic theory and moral philosophy of the Scottish Presbyterian Adam Smith (1723 - 1790), we find the same Augustinian theology that is in *The City of God*.<sup>85</sup> Smith's economic theories presupposed a natural moral order which he often described in sociological and scientific terms through demonstrating the natural desire of human beings to fulfill their basic needs and aspirations. For instance, Smith's *A Theory of Moral Sentiments* (1759) is the foundation upon which his magnum opus, *The Wealth of Nations* (1776), and other writings were built.<sup>86</sup>

We begin with Smith's conception of the role of sympathy in motivating actions of the individual dedicated to fulfilling individual needs. Now, that Smith conceived of human beings as decidedly needy is well known to all students of his economics; indeed the entire departure point of the *Wealth of Nations* is Smith's insistence that by nature we are dependent on others beyond ourselves for the production of those goods necessary for our physical survival (WN 1.1.11, 1.2.2). But Smith's insistence on our natural neediness also has another dimension. On his account of human nature, the external goods necessary for our physical survival are only one need among many; beyond these familiar needs, Smith repeatedly calls attention to the fact that **“man naturally desires, not only to be loved, “but” to be that thing which is the natural and proper object of love,”** that **“there is a satisfaction in the consciousness of being beloved,** which, to a person of delicacy and sensibility, is of more importance to happiness, than all the advantage which he can expect to derive from it,” that **“the chief part of human happiness arises from the consciousness of being beloved,”** that foremost among “all those sentiments for which we have by nature the strongest desire” is “the love, the gratitude, the

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<sup>85</sup> The term “ancient Augustinian constitutional order” means the synthesis of ancient Greek and Roman philosophy with the Christian religion, as reflected in Augustine of Hippo's *The City of God* (New York, N.Y.: The Modern Library, 1950). See, also, Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8:

In dating the origins of Western civilization, and consequently of its constitution, the publication of Augustine's *De Civitate Dei* [Of the City of God] serves as well as any for a reference point. This book was perhaps the most important ever written in the West; for a thousand years after its publication it exercised an influence unrivalled by any other, besides the Bible itself. For good reason, one writer calls it ‘The Charter of Christendom.’

<sup>86</sup> See, e.g., “The Theory of Moral Sentiments,” *Wikipedia* (online encyclopedia)(*The Theory of Moral Sentiments* is a 1759 book by Adam Smith. It provided the ethical, philosophical, economic, and methodological underpinnings to Smith's later works, including *The Wealth of Nations* (1776), *Essays on Philosophical Subjects* (1795), and *Lectures on Justice, Police, Revenue, and Arms* (1763) (first published in 1896).”)

admiration of mankind,” and that “**the great object of our ambition**” is “**to be beloved by our brethren**” (TMS 3.2.1, 1.2.4.1, 1.2.5.1, 3.4.7, 6.2.1.19; see also 3.1.7). Smith’s striking reiterations of this claim suggest that so far from thinking that men can somehow ‘do without love,’ **he in fact regarded our love-needs as a principal source of motivation.**<sup>87</sup>

There is, then, the “law of Christ”<sup>88</sup> or “the law of reason”<sup>89</sup> or the “law of nature,”<sup>90</sup> which is at the foundation of Adam Smith’s economic analysis and prescriptions. This natural “love-need” in Smith’s economic analysis presupposes that there will be agape-love adequately dispensed throughout the civil society, sufficient to sustain stable familial relationships, and sufficient schools which, in his day, were controlled by the churches, to teach and promote basic social morality and responsibility. There has to be this agape-love at the most basic and fundamental of levels, otherwise the human organism and civil society cannot exist.<sup>91</sup> In fact, Smith’s

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<sup>87</sup> Ryan Patrick Hanley, “Adam Smith: From Love to Sympathy” *Review Internationale de Philosophie* (March 2014), pp. 251 - 273.

<sup>88</sup> Matthew 7: 12 (“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”); Matthew 22:37-40 (“Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.”); James 2:8 (“If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well”); Romans 10:17-18 (Here, the universal moral law means the two-fold duty to honor or obey God and love neighbor); See, also, Robert F. Cochran and Zachary R. Calo, *Agape, Justice and Law: How might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017). See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill’s essay on *Utilitarianism*, as stating: “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”)

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Galatians 5:15 (“For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbor as thyself. But **if ye bite and devour one another, take heed that ye be not consumed one of another**”). Indeed, civil polity, and civilization, could not exist without *agape*. See, also, Wilfred Parsons, “Lest Men, Like Fishes” *Traditio*, Vol. 3 (1945), pp. 380 – 388. (JSTOR: Univ. of Cambridge Press), stating:

In the second century, A.D. (c. 177), the Christian philosopher and apologist, Athenagoras, inveighing against the pagans for immoralities forbidden by their own codes, incorporated in his harangue an expression which was to have a long and interesting history in Christian literature. These are his words:

These adulterers and pederasts defame the eunuchs and the once-married, while they themselves live like fishes; for these swallow up whatever falls in their way, and the stronger pursues the weaker. Indeed, this is to feed on human flesh, to do violence to the very laws which you and your ancestors, with due care for all that is fair and right, have enacted.

economic analysis and prescriptions in *The Wealth of Nations* (1776) are designed to preserve and promote the sort of healthy society which he set forth in *A Theory of Moral Sentiments* (1759), and which may today rightfully be described as the “Augustinian” constitutional social order: “**Family Government** <-----> **Church Government** <-----> **Civil Polity (i.e., the State).**”<sup>92</sup> Smith’s economic analysis made special provision— i.e., equitable adjustments— for certain subjects which required something more than sheer self-interest, such as the institution of marriage and the family. For instance, “Adam Smith, whose writings in the mid-1700s helped define the discipline of economics, resolved the conflict between rational self-interest and moral, caring behavior by dividing the world into private and public spheres. This allowed him to limit his advocacy of *laissez-faire* public policy to laws governing labor, trade, and poor relief. He offered no criticism of laws that gave husbands authority over their wives and limited women’s economic and political rights.”<sup>93</sup>

The American Revolution was borne out of dialectical material and economic conflict that Adam Smith articulated in “Augustinian” and natural-law terminology— including a sort of

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In that same century (c. 180), we find St. Irenaeus using the same expression, though in a different context. He is proving that political government does not come from the devil, as some contemporary Christian anarchists apparently held, but from God:

Therefore the earthly kingdom was set up by God for the help of the gentiles (not by the devil, who is never quiet, and who does not want the nations to live in quiet), so that, fearing the human kingdom, men shall not devour one another like the fishes, but by the making of laws may strike down the manifold injustice of the gentiles.

These two passages, using the same proverbial expression about the fishes devouring one another, illustrate two traditions—one socio-moral, the other political—which are important in the history of Christian social ideas....

<sup>92</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), p. 173 (“the triangular relation of family-church-state”).

<sup>93</sup> Livia Gershon, “What Early Economists Thought About Sex,” *JSTOR Daily* (October 21, 2015). See, also, See especially Martha Nussbaum, *Love’s Knowledge: Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990), 338-47; Douglas J. Den Uyl and Charles L. Griswold, Jr., “Adam Smith on Friendship and Love,” *Review of Metaphysics* 49 (1996): 609-37; and Lauren Brubaker, “A Particular Turn or Habit of the Imagination’: Adam Smith on Love, Friendship, and Philosophy,” in *Love and Friendship: Rethinking Politics and Affection in Modern Times*, ed. Eduardo Velasquez (Lanham, MD: Rowman and Littlefield, 2003), 229-62; D. D. Raphael, *The Impartial Spectator: Adam Smith’s Moral Philosophy* (Oxford: Clarendon Press, 2007), 134-35 (quote at 135); and Fonna Forman-Barzilai, *Adam Smith and the Circles of Sympathy* (Cambridge: Cambridge University Press, 2010), 12-14.

sovereignty of nature through divine Providence. Indeed, as Smith's masterpiece *The Wealth of Nations* teaches us, the field of economics and political economy could be construed through the prism of natural law and natural religion; and, during the 18<sup>th</sup>-century, both Smith and other learned theologians, economists, and clergymen within the Church of England (both the catholic and reformed branches) continued to treat political economy as a subfield of Christian moral theology—and particularly with respect to the regulation of commerce and monopoly capitalism.<sup>94</sup> As previously stated, Adam Smith interpreted the field of economics through the prism of the “Golden Rule,” and he utilized that very analysis to vindicate the rights of the colonists of British North America, to wit:

To restrain private people, it may be said, from receiving in payment the promissory notes of a banker, for any sum whether great or small, when they themselves are willing to receive them; or, to restrain a banker from issuing such notes, when all his neighbours are willing to accept of them, is a manifest violation of that **natural liberty** which it is the proper business of law, not to infringe, but to support. Such regulations may, no doubt, be considered as in some respect a violation of natural liberty. But **those exertions of the natural liberty of a few individuals, which might endanger the security of the whole society, are, and ought to be, restrained by the laws of all governments;** of the most free, as well as of the most despotical. The obligation of building party walls, in order to prevent the communication of fire, is a violation of **natural liberty**, exactly of the same kind with the regulations of the banking trade which are here proposed.<sup>95</sup>

Hence, Smith's economic theology included a doctrine of laissez-faire (including the “liberty of occupational pursuit” for the common man) which denounced all forms of slavery and forced

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<sup>94</sup> There is a well-established tradition of economic historians analyzing Christian ethics and morality as a major influence in economic thought and actions. Economists Max Weber's *The Protestant Work Ethic and the Spirit of Capitalism* and R. H. Tawney's *Religion and the Rise of Capitalism* unanimously ascribe the highest of authority and credit to the voluminous writings and ministry of the Puritan Richard Baxter (1615 - 1691), who wrote about English family values, family economics, and the religious duties of family governors. All of this is to say, that until very recently during the later half of the twentieth century, economics and the economic systems in Western civilizations presumed that all economic activity must yield to the common law, natural law, and even ecclesiastical laws governing various aspects of civilization, including commercial transaction and activities involving the traditional and patriarchal family structure.

<sup>95</sup> Adam Smith, *The Wealth of Nations* (New York, N.Y.: The Modern Library, 1937), p. 551.

servitude— ideals which also were enshrined in the American *Declaration of Independence*

(1776).<sup>96</sup> For instance, in *The Wealth of Nations*, Smith wrote:

The law which prohibited the manufacturer from exercising the trade of a shopkeeper, endeavored to force this division in the employment of stock to go on faster than it might otherwise have done. The law which obliged the farmer to exercise the trade of a corn merchant, endeavored to hinder it from going on so fast. Both laws were evident violations of natural liberty, and therefore unjust....

It is the interest of every society, that things of this kind should never either be forced or obstructed.... [T]he **law ought always to trust people with the care of their own interest**, as in their local situations they must generally be able to judge better of it than the legislator can do....<sup>97</sup>

All **systems either of preference or of restraint**, therefore, being thus completely taken away, the **obvious and simple system of natural liberty establishes itself of its own accord**. Every man, as long as he does **not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man**, or order of men....

According to **the system of natural liberty**, the sovereign has only three duties to attend to; three duties of great importance, indeed, but plain and intelligible to common understandings: first, the duty of protecting the society; secondly, the duty of protecting, as far as possible, every member of the society from the injustice or oppression of every other member of it, or the duty of establishing an exact administration of justice; and, thirdly, the duty of erecting and maintaining certain public works and certain public institutions, which it can never be for the

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96 *Butchers' Union, etc. Co. v Crescent, etc, Co.*, 111 U.S. 746, 110-111 (1883).

A monopoly is defined

"to be an institution or allowance from the sovereign power of the state, by grant, commission, or otherwise, to any person or corporation, for the sole buying, selling, making, working, or using of anything whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty they had before or hindered in their lawful trade,"

**All grants of this kind are void at common law**, because **they destroy the freedom of trade, discourage labor and industry, restrain persons from getting an honest livelihood** and put it in the power of the grantees to enhance the price of commodities. They are void because they interfere with **the liberty of the individual to pursue a lawful trade or employment**.

The oppressive nature of the principle upon which the monopoly here was granted will more clearly appear if it be applied to other vocations than that of keeping cattle and of preparing animal food for market -- to the ordinary trades and callings of life -- to the making of bread, the raising of vegetables, the manufacture of shoes and hats, and other articles of daily use.

97 Adam Smith, *The Wealth of Nations* (New York, N.Y.: The Modern Library, 1937), p. 497.

interest of any individual, or small number of individuals, though it may frequently do much more than repay it to a great society.<sup>98</sup>

Fundamentally, Smith's analysis held that political economy, economic justice, and economic regulation, together with public law and civil government, had to comport with the law of nature, the natural moral law, or the "law of Christ";<sup>99</sup> and Smith's analysis was very much concerned about tyranny, unfair economic restraint, slavery, servitude, and social chaos-- the remedy being, at least in part, natural law or economic moral laws which carry the burden of preventing anarchy, or a sort of relapse into a primitive state of the jungle.<sup>100</sup>

Books two and three of Augustine's *The City of God* notably addressed the imperious nature of the Roman empire, tracing its imperial wars and oppressive economic conditions upon its own citizens. Similarly, Smith's *The Wealth of Nations* does something similar, in the form of a critique of the mercantile policies of Great Britain. Smith's critique of Great Britain informs us of why the American colonists revolted and about what really fueled the American Revolution— an oppressive form of government-backed monopoly capitalism which strangled American domestic industry and international trade. Thus interpreted through lens of Smith's *The Wealth of Nations*, one may easily construe The American *Declaration of Independence's* to be an economic petition in the form of "economic life, economic liberty, and the pursuit of economic happiness." Indeed, this was not a far-fetched interpretation of the situation. A major interest which drove the 18th-century American Whigs and British Whigs was, fundamentally, natural economic liberty, the freedom of to make and enforce contracts,

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98 Ibid., p. 651.

99 The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

100 Galatians 5:15 ("For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbor as thyself. But **if ye bite and devour one another, take heed that ye be not consumed one of another**"). Indeed, civil polity, and civilization, could not exist without *agape*.

and the liberty of occupational pursuit— i.e., to be free from all forms of economic tyranny and economic restraint.<sup>101</sup>

Theologically speaking, this economic struggle was no different than the plight of the Children of Israel from Egyptian slavery— as many of the 18th-century jeremiads proclaimed. It was no different than Augustine’s critique of Roman economic oppression of both foreigners and of their own citizens, as recounted in books two and three of *The City of God*. But in the case of the American colonists, these biblical and Augustinian critiques were restated in the form of natural theology, natural law, and natural rights. And over the course of the next several decades following the American Revolution, the natural rights principles enshrined in the American *Declaration of Independence* (1776) would have a spillover effect upon the liberty and natural rights of all classes of Americans.<sup>102</sup>

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101 See, e.g., the U. S. Supreme Court’s discussion of “monopoly” capitalism and its tendency to impair the natural liberties guaranteed in the American *Declaration of Independence* (1776), in the case of *Butchers’ Union, etc. Co. v Crescent, etc. Co.*, 111 U.S. 746, 110-111 (1883), to wit:

A monopoly is defined

"to be an institution or allowance from the sovereign power of the state, by grant, commission, or otherwise, to any person or corporation, for the sole buying, selling, making, working, or using of anything whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty they had before or hindered in their lawful trade,"

**All grants of this kind are void at common law, because they destroy the freedom of trade, discourage labor and industry, restrain persons from getting an honest livelihood and put it in the power of the grantees to enhance the price of commodities. They are void because they interfere with the liberty of the individual to pursue a lawful trade or employment.**

The oppressive nature of the principle upon which the monopoly here was granted will more clearly appear if it be applied to other vocations than that of keeping cattle and of preparing animal food for market -- to the ordinary trades and callings of life -- to the making of bread, the raising of vegetables, the manufacture of shoes and hats, and other articles of daily use.

102 For example, the U.S. Supreme Court discussed the implications of those “natural rights” and their impact upon the rights of the working classes to engage in the “liberty of occupational pursuit” in the case of *Butchers’ Union, etc. Co. v Crescent, etc. Co.*, 111 U.S. 746, 110-111 (1883). Abraham Lincoln also believed that the very “natural rights” principles contained within that *Declaration of Independence* (1776) justified the overthrow of the institution of African slavery, stating in his famous senatorial debate:

I have never said anything to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness. [Loud cheers.] I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of

Here, it is important to point out that in eighteenth-century thought, Christianity was widely held to be the republication of natural religion and natural law.<sup>103</sup> Indeed, the very text of the *Holy Bible* (i.e., the Sacred Scriptures) taught economic morality. For instance, in my book *Jesus Master of Law*, I analyzed, among other things, how the ancient Hebrew prophets applied the natural moral law (i.e., the Decalogue and the Pentateuch) to economic injustices within ancient Israel.<sup>104</sup> The prophetic approach of Adam Smith, who was himself a Presbyterian and Calvinist theologian, to the field of political economy, similarly relied upon the same theological analysis that is utilized in the bible, through his discourses on natural law. Smith's *The Theory of Moral Sentiments* (1759) was a re-statement of classical western theology on "natural moral law" and the "law of reason," which governs the inner soul of human beings.<sup>105</sup> For instance,

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anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man. [Great applause.]

103 See, e.g., Matthew Tindal, *Christianity as Old as the Creation* (1730); William Warburton, *The Alliance of Church and State* (1736); and Joseph Butler, (1736).

104 See, e.g., Roderick O. Ford, *Jesus Master of Law* (Tampa, FL: Xlibris, 2015), pp. 11-14. ( In the **Book of Isaiah**, there is the forewarning against "unjust gains from oppression," "bribery," and "oppression of the poor, the needy, and the innocent." In the **Book of Jeremiah**, the prophet observed many Jews becoming rich through craftily exploiting the needy, the fatherless, and the innocent. "For among my people," Jeremiah observed, "are found wicked men: they lay wait, as he that setteth snares; they set a trap, they catch men. As a cage is full of birds, so are their houses full of deceit: therefore they are become great, and waxen rich." In the **Book of Ezekiel**, the prophet charges that many in Jerusalem committed "dishonest gain"; "[h]ath oppressed the poor and needy, hath spoiled by violence...."; have "dealt by oppression with the stranger: in thee have they vexed the fatherless and the widow"; and "have they taken gifts to shed blood; thou has taken usury and increase, and thou has greedily gained of they neighbours by extortion, and hast forgotten me, saith the Lord GOD." In the **Book of Hosea**, the prophet described Israel as "a merchant, the balances of deceit are in his hand: he loveth to oppress.... [saying] I am become rich...." In the **Book of Amos**, "[b]usiness is booming and boundaries are bulging. But below the surface, greed and injustice are festering. Hypocritical religious motions have replaced true worship, creating a false sense of security and a growing callousness to God's disciplining hand." Amos does not consider Israel's material success to be honest or honorable, considering the fact that there is much affliction of the poor and needy. He charges Israel with having oppressed the poor and the needy. He forewarns the wealthy in Israel that there shall be consequences for their economic transgressions. In the **Book of Micah**, the prophet charges his fellow Judeans as being economically oppressive and evil. "For the rich men thereof," says Micah, "are full of violence, and the inhabitants thereof have spoken lies, and their tongue is deceitful in their mouth." The result was, as Micah noted, widespread injustice, economic oppression, religious hypocrisy, and the social disintegration within Judean society. In the **Book of Habakkuk**, the prophet notices economic injustices in the southern kingdom of Judah. He described the poor, who were victims of all sorts of crafty economic injustices in the southern kingdom of Judea, and he proclaims "[w]oe to him that increaseth that which is not his!" And finally, in the New Testament, there is Jesus' **Parable of the Rich Man and Lazarus (Luke 6:46-49)**, the Beatitudes, and the "Law of Christ" which further set the theme that true religion means, among other things, alleviating the manacles of economic injustice.

105 See, e.g., "Adam Smith," Britannica.com, which describes the *Theory of Moral Sentiments* (1759) as follows:

Didactic, exhortative, and analytic by turns, it lays the psychological foundation on which The Wealth of Nations was later to be built. In it Smith described the principles of "human nature," which, together with

Paul Olsington commented on this often-overlooked aspect of Smith's writings, in "The 'end' of economics: Adam Smith as theologian," stating:

It is well known that Adam Smith constructed a system which comprised, not just economics, but history, jurisprudence and moral philosophy. In fact, he seemed more proud of his *Theory of Moral Sentiments* than his much more famous *The Wealth of Nations*. **But the fact that Adam Smith was also a theologian has taken much longer to be appreciated....**

In 1751, when taking up his Chair at the University of Glasgow, Smith signed the Calvinist Westminster Confession of Faith before the Glasgow Presbytery, satisfied the University of his orthodoxy, and took the Oath of Faith. Smith's scrupulousness in other similar matters suggests sincerity of this profession of orthodox Christian faith.

I would argue that there must be a presumption of a significant theological background to any work of moral philosophy or political economy produced in such a context. **Such a presumption is confirmed by the abundance of theological language in Smith's published works.** He regularly refers to "the Deity," "the author of nature," "the great Director of nature," "lawful superior" and so on. There are, moreover, repeated references to divine design and providence. For instance:

**'Every part of nature**, when attentively surveyed, equally demonstrates the providential care of its Author, and we admire the wisdom and goodness of God even in the weakness and folly of man.' ...

'[T]he **happiness of mankind**, as well as all other rational creatures, seems to have been the original purpose intended by **the author of nature**, when he brought them into existence ... By acting according to **the dictates of our moral faculties**, we necessarily pursue the most effectual means **for promoting the happiness of mankind**, and may therefore be said, in some sense, to co-operate with the Deity, and to advance as far as in our power the plan of Providence.' ...

'The idea of that **divine Being**, whose benevolence and wisdom have, from all eternity, **contrived and conducted the immense machine**

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Hume and the other leading philosophers of his time, he took as a universal and unchanging datum from which social institutions, as well as social behaviour, could be deduced.

One question in particular interested Smith in *The Theory of Moral Sentiments*. This was a problem that had attracted Smith's teacher Hutcheson and a number of Scottish philosophers before him. The question was the source of the ability to form moral judgments, including judgments on one's own behaviour, in the face of the seemingly overriding passions for self-preservation and self-interest. Smith's answer, at considerable length, is the presence within each person of an "inner man" who plays the role of the "impartial spectator," approving or condemning one's own and others' actions with a voice impossible to disregard. (The theory may sound less naive if the question is reformulated to ask how instinctual drives are socialized through the superego.)

**of the universe**, so as at all times to produce the greatest possible quantity of happiness, is certainly of all the objects of human contemplation by far the most sublime.’ ...

‘[T]he **governing principles of human nature**, the rules which they prescribe are to be regarded as **the commands and laws of the Deity**.’

The presumption of a theological dimension to Smith’s work is confirmed by the fact that **Smith was read theologically by his contemporaries**, including important figures in the formation of political economy as a discipline in nineteenth-century Britain.

For instance, Richard Whately, holder of the first chair in economics at a British university, interpreted providentially Smith’s assertion of unintended positive consequences of self-interested behaviour: **“Man is, in the same act, doing one thing by choice, for his own benefit, and another, undesignedly, under the care of Providence, for the service of the community.”**

Whately also placed Smith’s Theory of Moral Sentiments and Wealth of Nations above William Paley’s works as natural theology.

Among nineteenth-century British popularisers of political economy none was more influential than Thomas Chalmers. Chalmers also took Smith to be suggesting that the transformation of **self-interested behaviour** into the greatest economic good **is providential**:

‘Such a result which at the same time not a single agent in this vast and complicated system of trade contemplates or cares for, each caring only for himself – strongly bespeaks a **higher Agent, by whose transcendental wisdom it is**, that all is made **to conspire so harmoniously**, and to terminate **so beneficially**.’ ...

‘The whole science of political economy is full of these exquisite adaptations to the wants and comforts of human life, which bespeak the skill of a master-hand, in the adjustment of its laws, and the working of its profoundly constructed mechanism.’

Theological readings of Smith also abound among the nineteenth-century pioneers of political economy as a discipline, and even more so in popular discussions of political economy.”<sup>106</sup>

As a Presbyterian clergyman, Adam Smith also believed that the Calvinist doctrine and the Presbyterian form of ecclesiastical church government were most supportive of a free civil government based upon religious liberty and freedom. To that end, Smith was a neo-orthodox

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106 <https://www.abc.net.au/religion/adam-smith-theologian-and-the-end-of-economics/11327086>

Calvinists who, like many of his contemporaries, joined forces with the latitudinarian Anglicans, and promoted the new orthodoxy, or the neo-orthodoxy, which borrowed heavily from Luther, Calvin, and Augustine of Hippo's voluminous writings. Smith's writings prophesied, or reflected, the spirit of the Age of Reason. He held that the Roman Catholic Church,<sup>107</sup> the Lutheran Church<sup>108</sup>, and Church of England<sup>109</sup> represented outward forms of state-sponsored ecclesiastical governments that did not correspond very well with free civil governments and economic liberty and growth. Instead, the essential principles of the Protestant Reformation, opined Smith, were *better carried out within the Reformed Churches of Europe*.<sup>110</sup> According to Smith, the Presbyterian Churches were more democratic, and the equality among Presbyterian clergymen was more pronounced. In *The Wealth of Nations*, Smith wrote:

The equality which the presbyterian form of church government establishes among the clergy, consists, first, in the equality of authority or ecclesiastical jurisdiction; and, secondly, in the equality of benefice. In all presbyterian churches the equality of authority is perfect: that of benefice is not so. The difference, however, between one benefice and another, is seldom so considerable as commonly to tempt the possessor even of the small one to pay court to his patron, by the vile arts of flattery and assentation, in order to get a better. In all presbyterian churches, where the rights of patronage are thoroughly established, it is by nobler and better arts that established clergy in general endeavor to gain the favor of their superiors; by their learning, by the irreproachable regularity of their life, and by the faithful and diligent discharge of their duty.... There is scarce perhaps to be found any where in Europe a more learned, decent, independent, and respectable set of men, than the greater part of the presbyterian clergy of Holland, Geneva, Switzerland, and Scotland.<sup>111</sup>

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<sup>107</sup> Adam Smith, *The Wealth of Nations*, supra, pp.754-756.

<sup>108</sup> Ibid., p. 759.

<sup>109</sup> Ibid., pp. 759-760.

<sup>110</sup> Ibid., pp. 757 – 766.

<sup>111</sup> Ibid., pp. 761 – 762.

Therefore, it should come as no surprise that in colonial British North America, the Presbyterian Church and the Calvinist-led Congregational churches were at the epicenter of the conflict between the American colonies and Great Britain. Indeed, through the only Presbyterian college in the United States, the College of New Jersey (Princeton University), which was founded in 1746 at the tail end of the First Great Awakening and the commencement of American revolutionary thought, the foundation of American constitutional thought was more fully developed and set forth. The College of New Jersey (Princeton) would become a haven that was safe for American revolutionaries and revolutionary ideas. And it was there that the economic writings of Adam Smith, which attacked Great Britain's mercantile policies, found a wide forum.

Wherefore, let us conclude this part of our discussion by acknowledging Adam Smith's 18th-century conceptualization of "capitalism"—i.e., capitalism as an expression of the man's natural self-interests which culminate in the whole work of divine Providence, through what Smith called the *moral sentiment* (i.e., the Golden Rule or the "law of Christ" or "general equity")<sup>112</sup> This was truly the extent of "capitalism" in the minds of the Protestant Reformers and of the schoolmen who developed economic theory under the auspices of the Roman Catholic Church and the Church of England. In Calvin's Geneva, in the Netherlands, and in colonial British North America, capitalism and capitalist enterprises—plantation economics, manufacturing, and international trade—were new and major challenges confronting orthodox Christianity; and the Puritan heirs in colonial New England, the latitudinarian Anglicans, and the Scottish Presbyterians struck a balance in favor of the further nourishment and development of capitalistic enterprises. Capitalism or the spirit of capitalism—as an economic nomenclature for "neo-orthodox" Calvinistic and Protestant Christian economic thought—was thus thoroughly sewn into the American Declaration of Independence (1776) with the following

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<sup>112</sup> See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill's essay on *Utilitarianism*, as stating: "[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.")

phraseology: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

## Chapter Three

### “Medieval Economic Theory, the Schoolmen, and Natural Law”

We have in that last two chapters traced the ideas of Adam Smith’s *The Wealth of Nations* to Augustinian origins. In this chapter, we shall demonstrate that Smith was not isolated or alone, but rather that he stood upon the shoulders of other Christian pioneers who preceded him in the field of economic analysis and thought. Indeed, the idea that Christianity has nothing to do with business, commerce, and economics was non-existent during the Medieval period (800 A.D. to 1500 A.D.) The Western Church was the heir of the Roman Empire, and as such it inherited the Roman Empire’s law on commerce and economics. Since the days of Pope Gregory the Great (c.520- 604 A.D.), the Church took hold of government administration and commercial development. Economic development in Western Europe thus occurred under the auspices of the Roman Catholic Church. “The Papacy was, in a sense, the greatest financial institution of the Middle Ages...”<sup>113</sup> And Roman Catholic bishops, abbots, priests, and monks studied and developed Medieval finance and economic theory, and they regulated Medieval trade. The consequence of all this is the important fact that western finance and economic theory were invented in the Roman Catholic Church and developed together as a branch of Christian moral theology. As Catholic scholar Thomas Woods has argued:

The standard story of the history of economic thought essentially begins with Adam Smith and other eighteenth-century thinkers.... To the contrary, however, medieval and late Scholastic commentators understood and theorized about the free economy in ways that would prove profoundly fruitful for the development of sound economic thinking in the West.

Joseph Schumpeter, one of the great economists of the twentieth century, paid tribute to the overlooked contributions of the late Scholastics in *History of Economic Analysis* (1954). ‘[I]t is they,’ he wrote, ‘who come nearer than does any other group to having been the ‘founders’ of scientific economics.’....

Alejandro Chafuen, in his important book *Faith and Liberty: the Economic Thought of the Late Scholastics* (2003), shows that on one issue after another

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113 R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 33.

these sixteenth- and seventeenth-century thinkers not only understood and developed crucial economic principles, but also defended the principles of economic liberty and a free-market economy. From prices and wages to money and value theory, the late Scholastics anticipated the very best economic thought of later centuries....<sup>114</sup>

For it was the Roman Catholic Schoolmen (i.e., the Scholastics), led by St. Thomas Aquinas (1225-1274), Jean Buridan (1300-1358), Nicolas Orseme (1325-1382), Cardinal Thomas de Vio (1468-1534), Martin de Azpilcueta (1493-1586), Cardinal Juan de Lugo (1583-1660), Leonardus Lessius (1554-1623), Juan de Lugo (1583- 1660), who laid these foundations in economics while at the same time infusing within this discipline the “moral law” of God and of Christ.<sup>115</sup>

In Medieval England, both the ecclesiastical courts and the king’s royal courts competed for jurisdiction over matters involving commercial morality. “The question at issue was not whether the usurer should be punished—a point as to which there was only one opinion—but who should have the lucrative business of punishing him, and in practice he ran the gauntlet of all and each [i.e., the ecclesiastical and the royal courts]”<sup>116</sup> “For, in spite of the conflict of jurisdictions, the rising resentment against the ways of ecclesiastical lawyers, and the expanding capitalism of the later Middle Ages, it is evident that commercial cases continued... to come before the courts christian.”<sup>117</sup> “The records of ecclesiastical courts show that, though sometimes commercial questions were dismissed as belonging to the secular courts, cases of breach of contract and usury continued, nevertheless, to be settled by them.”<sup>118</sup> “Cases of usury were being

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114 Thomas E. Woods, Jr., *How The Catholic Church Built Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 155-156, 168.

115 R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 42 (“The formal theory of the just price went, it is true, through a considerable development. The dominant conception of Aquinas—that prices, though they will vary with the varying conditions of different markets, should correspond with the labor and costs of the producer, as the proper basis of the communis estimatio, conformity with which was the safeguard against extortion—was qualified by subsequent writers.”)

116 Ibid., pp.50-51.

117 Ibid., p. 51.

118 Ibid., p. 52.

heard by ecclesiastical courts under Elizabeth, and even in a great commercial center like the City of London it was still possible in the reign of James I for the Bishop's Commissary to be trying tradesmen for 'lending up pawnes for an excessive gain.'"119

But not only did the Roman Catholic Church (and the Church of England) enforce anti-usury laws, but it proactively organized lending and financial institutions in order to provide alternatives to the poor who were in need of cheap loans or cheap capital.<sup>120</sup> "[H]owever lawyers might distinguish and refine, the essential facts were simple. The Church sees buying and selling, lending and borrowing, as a simple case of neighborly or unneighborly conduct. Though a rationalist like Bishop Pecock may insist that the rich, as such, are not hateful to God, it has a traditional prejudice against the arts by which men—or at least laymen—acquire riches, and is apt to lump them together under the ugly name of avarice. Merchants who organize a ring, or money-lenders who grind the poor, it regards, not as business strategists, but as nefandae belluae—monsters of iniquity."<sup>121</sup>

The Scholastics' lasting contributions were to insist upon interposing the "moral law" in business and commercial practices, so as to avoid exploitation of the weak and the poor. As British economist and historian R.H. Tawney has observed, the Schoolmen taught that the "unpardonable sin is that of the speculator or the middleman, who snatches private gain by the exploitation of public necessities. The true descendant of the doctrines of Aquinas is the labor theory of value. The last of the Schoolmen was Karl Marx."<sup>122</sup>

According to Dr. Tawney, the significance of these Roman Catholic Scholastics "consists, not in its particular theories as to prices and interest... but in its insistence that society is a spiritual organism, not an economic machine, and that economic activity, which is one

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119 Ibid., p. 53.

120 Ibid.

121 Ibid., p. 54.

122 Ibid., pp. 38-39.

subordinate element within a vast and complex unity, requires to be controlled and repressed by reference to the moral ends for which it supplies the material means. So merciless is the tyranny of economic appetites, so prone to self-aggrandizement of empire of economic interests, that a doctrine which confines them to their proper sphere, as the servant, not the master, of civilization, may reasonably be regarded as among the pregnant truism which are a permanent element in any sane philosophy. Nor is it, perhaps, as clear today as it seemed a century ago, that it has been an unmixed gain to substitute the criterion of economic expediency, so easily interpreted in terms of quantity and mass, for the conception of a rule of life superior to individual desires and temporary exigencies, which was what the medieval theorist meant by ‘natural law.’”<sup>123</sup>

Indeed, the invisible hand of natural law guided Medieval trade and economic activity. The Church, in an effort to enforce economic morality, applied this natural law to every social transaction, whether ecclesiastical or secular:

The Church accepts this popular sentiment, gives it a religious significance, and crystalizes it in a system, in which economic morality is preached from the pulpit, emphasized in the confessional, and enforced, in the last resource, through the courts. The philosophical basis of it is the conception of natural law. ‘Every law framed by man bears the character of a law exactly to that extent to which it is derived from the law of nature. But if on any point it is in conflict with the law of nature, it at once ceases to be a law; it is a mere perversion of law.’ The plausible doctrine of compensations, of the long run, of the self-correcting mechanism, has not yet been invented. The idea of a law of nature—of natural justice which ought to find expression in positive law, but which is equity of particular relations can be measured. The most fundamental difference between medieval and modern economic thought consists, indeed, in the fact that, whereas the latter normally refers to economic expediency, however it may be interpreted, for the justification of any particular action, policy, or system of organization, the former starts from the position that there is a moral authority to which considerations of economic expediency must be subordinate. The practical application of this conception is to attempt to try every transaction by a rule of right....<sup>124</sup>

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123 Ibid., p. 59.

124 Ibid., pp. 41-42.

And to stress this point further, a more lengthy description from Tawney's classic work on the Medieval Church and its role in regulating finance, commerce, and economics is appropriate here:

The mercantilist thought of later centuries owed a considerable debt to scholastic discussions of money, prices, and interest. But the specific contributions of medieval writers to the technique of economic theory were less significant than their premises. Their fundamental assumptions, both of which were to leave a deep imprint on the social thought of the sixteenth and seventeenth centuries, were two: that economic interests are subordinate to the real business of life, which is salvation, and that economic conduct is one aspect of personal conduct, upon which, as on other parts of it, the rules of morality are binding. Material riches are necessary; they have a secondary importance, since without them men cannot support themselves and help one another the wise ruler, as St. Thomas said, will consider in founding his State the natural resources of the country. But economic motives are suspect. Because they are powerful appetites, men fear them, but they are not mean enough to applaud them. Like other strong passions, what they need, it is thought, is not a clear field, but repression. There is no place in medieval theory for economic activity which is not related to a moral end, and to found a science of society upon the assumption that the appetite for economic gain is a constant and measurable force, to be accepted, like other natural forces, as an inevitable and self-evident datum would have appeared to the medieval thinker as hardly less irrational or less immoral than to make the premise of social philosophy the unrestrained operation of such necessary human attributes as pugnacity or the sexual instinct.... At every turn, therefore, there are limits, restrictions, warnings against allowing economic interests to interfere with serious affairs. It is right for a man to seek such wealth as is necessary for a livelihood in his station. To seek more is not enterprise, but avarice, and avarice is a deadly sin. Trade is legitimate; the different resources of different countries show that it was intended by Providence. But it is a dangerous business. A man must be sure that he carries it on for the public benefit, and that the profits which he takes are no more than the wages of his labor....<sup>125</sup>

The Roman Catholic Church heavily regulated against the sin of avarice in general, and the practice of usury, in particular.<sup>126</sup> “It would not be easy to find a more drastic example, either of ecclesiastical sovereignty, or of the attempt to assert the superiority of the moral law to economic expediency, than the requirement, under threat of excommunication, that all secular legislation sanctioning usury shall be repealed.” “To take usury is contrary to Scripture; it is

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<sup>125</sup> Ibid., pp. 34-35.

<sup>126</sup> Ibid., pp. 46-54.

contrary to Aristotle; it is contrary to nature, for it is to live without labor; it is to sell time, which belongs to God, for the advantage of wicked men; it is to rob those who use the money lent, and to whom, since they make it profitable, the profits should belong: it is unjust in itself, for the benefit of the loan to the borrower cannot exceed the value of the principle sum lent him; it is in defiance of sound juristic principles.... The part played by authority in all this is obvious. There were the texts in Exodus and Leviticus; there was Luke vi:35....”<sup>127</sup> “A man is to be accounted a usurer, not only if he charges interest, but if he allows for the element of time in a bargain, by asking a higher price when he sells on credit.”<sup>128</sup> “An archbishop of Canterbury is reminded that usury is perilous, not only for the clergy, but for all men whatever, and is warned to use ecclesiastical censures to secure the restoration, without the deduction of interest, of property which has been pawned....”<sup>129</sup> Quoting Gratian, R.H. Tawney writes that Medieval thought did not think too highly of traders (buy low; sell high).<sup>130</sup> “The essence of the argument was that payment may properly be demanded by the craftsmen who make the goods, or by the merchants who transport them, for both labor in their vocations and serve the common end. The unpardonable sin is that of the speculator or the middleman, who snatches private gain by the exploitation of public necessities.”<sup>131</sup> “The medieval theorist condemned as a sin precisely that effort to achieve a continuous and unlimited increase in material wealth which modern societies applaud as a quality, and the vices for which he reserved his most merciless denunciations were the more refined and subtle of the economic virtues.”<sup>132</sup> Though the laws against avarice, usury,

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127 Ibid., pp. 44-45.

128 Ibid., p. 48.

129 Ibid.

130 Ibid., p. 37.

131 Ibid., p. 38.

132 Ibid.

and economic oppression was difficult to administer, it was indeed applied and administered to a wide variety of subjects; “[c]oncerning avarice it is to be asked in this wise: hast thou been guilty of simony... an unjust judge... a thief, a robber, a perjurer, a sacrilegious man, a gambler, a remover of landmarks in fields... a false merchant, an oppressor of any man and above all of widows, wards and others in misery, for the sake of unjust and greedy gain?”<sup>133</sup> The catechism of the archbishop of St. Andrews denounced “usurers, masters who withhold wages, covetous merchants who sell fraudulent wares, covetous landlords who grind their tenants....”<sup>134</sup> “On the Continent we catch glimpses of occasional raids. Bishops declare war on notorious usurers.... At the end of the thirteenth century an archbishop of Bourges makes some thirty-five usurers disgorge at a sitting, and seventy years later an inquisitor at Florence collects 7,000 florins in two years from usurers and blasphemers....”<sup>135</sup>

The Medieval Roman Catholic Church thus nursed the idea of business ethics alongside a primitive science of economics. Its influence was bequeathed to England through Oxford and Cambridge universities, and provided the “theological mould which shaped political theory from the Middle Ages to the seventeenth century.”<sup>136</sup> The “State of the Tudors had some of the characteristics of a Church; and it was precisely the impossibility, for all but a handful of sectaries, of conceiving a society which treated religion as a thing privately vital but publicly indifferent.” The Christian faith under the Tudors was not “publicly indifferent,” but rather functioned as the Tudor state’s constitutional law. Though unchecked economic opportunism and unchecked greed existed at the highest of levels, “a general belief in the validity of moral

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133 Ibid., pp.48-49.

134 Ibid., p. 50.

135 Ibid.

136 Ibid., p. 13.

standards” existed throughout Tudor England. As British economists and historian R. H.

Tawney has observed:

No one can read the discussions which took place between 1500 and 1550 on three burning issues—the rise in prices, capital and interest, and the land question in England—without being struck by the constant appeal from the new clamorous economic interests of the day to the traditional Christian morality, which in social organization, as in the relations of individuals, is still conceived to the final authority. It is because it is regarded as the final authority that the officers of the Church claim to be heard on questions of social policy; and that, however Catholics, Anglicans, Lutherans, and Calvinists may differ on doctrine or ecclesiastical government, Luther and Calvin, Latimer and Laud, John Knox and the Pilgrim Fathers are agreed that social morality is the province of the Church, and are prepared both to teach it, and to enforce it, when necessary, by suitable discipline.<sup>137</sup>

The Medieval moral influence—whose prime virtue was asceticism<sup>138</sup>-- was still being felt in late sixteenth and early seventeenth-century England. “The first fundamental assumption which is taken over by the sixteenth century is that the ultimate standard of human institutions and activities is religion. The architectonics of the system had been worked out in the *Summae of the Schoolmen*.”<sup>139</sup>

The Church of England and its clergy “attempted to spiritualize” economic and commercial life “by incorporating it in a divine universe, which should absorb and transform it.”<sup>140</sup> Were there evasions, deception, and hypocrisy beneath? Absolutely! “Gentlemen took hard tallages and oppressed the poor; but it was something that they should be told that their true function was ‘to defend God’s law by power of the world.’”<sup>141</sup> But the Church of England aimed to maintain its control, even over the pesky financiers, investors, and merchants. “A

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<sup>137</sup> Ibid., pp. 16-17.

<sup>138</sup> Ibid., p. 23 (“In the early Middle Ages the ascetic temper predominates. Lanfranc, for example, who sees nothing in economic life but the struggle of wolves over carrion, thinks that men of business can hardly be saved, for they live by cheating and profiteering. It is monasticism, with its repudiation of the prizes and temptations of the secular world, which is par excellence the life of religion”).

<sup>139</sup> Ibid., p 25.

<sup>140</sup> Ibid., p.28.

<sup>141</sup> Ibid.

religious philosophy, unless it is frankly to abandon nine-tenths of conduct to the powers of darkness, cannot admit the doctrine of a world of business and economic relations self-sufficient and divorced from ethics and religion.”<sup>142</sup>

And so, to conclude this chapter, we should acknowledge that Adam Smith’s *The Wealth of Nations* (1776) was a part of a long history of economic thought and analysis within the Western Church since at least the 14<sup>th</sup> century. Prior to the Protestant Reformation (17<sup>th</sup> century) and the American Revolution (18<sup>th</sup> century), the Christian Church invented economic theory and analysis, weighed in on business transactions such as usury lending, and sought to instill ethics and morality into economic behavior. When the Protestant Reformation swept over Europe during the sixteenth and seventh centuries, the Reformers did not modify their conception of the moral law’s supremacy over secular or commercial activities. “It is because it is regarded as the final authority that the officers of the Church claim to be heard on questions of social policy; and that, however Catholics, Anglicans, Lutherans, and Calvinists may differ on doctrine or ecclesiastical government, Luther and Calvin, Latimer and Laud, John Knox and the Pilgrim Fathers are agreed that social morality is the province of the Church, and are prepared both to teach it, and to enforce it, when necessary, by suitable discipline.”<sup>143</sup> Calvinism embraced this same responsibility, and, although it encouraged vigorous economic productivity, allowed for some interest charges in lending, and promoted capitalist development, it still sought to weigh in on, and regulate, business transactions and economic behavior.<sup>144</sup> Hence, seventeenth-century England and early colonial North America embraced a “catholic” conception of law, economics, and commercial transactions, and conceptualized the secular

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<sup>142</sup> Ibid., p. 30.

<sup>143</sup> R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 16-17.

<sup>144</sup> See, e. g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y. : Vigeo Press, 2017), p. 128 (“Calvinism opposed organic social organization in the fiscal-monopolistic form which it assumed in Anglicanism under the Stuarts, especially in the conceptions of Laud, this alliance of Church and State with the monopolists on the basis of a Christian, social ethical foundation. Its leaders were universally among the most passionate opponents of this type of politically privileged commercial, putting-out, and colonial capitalism.”)

“state” as a subordinate but vital arm of the “church.” But by the late 18th- and early 19th-centuries, the Christian Church (and particularly the Church of England within the British empire) began to lose their moral influence upon the merchants, the financiers, the investors, and the capitalists.<sup>145</sup> The legacy of that loosening has resulted in the dismantling and overthrow of the neo-orthodoxy of 18th-century Calvinism, Anglicanism, and general Protestantism. Hence, that legacy has ushered in the postmodern secular world in which we now exist.

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<sup>145</sup> In the new United States of America, the constitutional doctrine of the separation of church and state hastened this loss of this influence. And the result is the moral, social, political, and economic paralysis in which North America and the world find themselves, as a consequence of decline in economic moral vision and leadership. See, e.g., Algernon Crapsey, “Relation of Church and State,” *Religion and Politics*, supra, pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body.... The present separation of the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.”) See, also, Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of God on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; it is a holy religion.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.”)

## Chapter Four

### “Commercial Ethics and the Church of England, 1700 to 1830”

Augustine of Hippo’s *The City of God* painstakingly set forth the history of the decline of the Roman republic and the subsequent rise of the Roman empire; and, while doing so, *The City of God* describes the slow demise of the Roman virtue and its replacement with Roman vice, avarice, and imperial expansion. Significantly, a major theme in *The City of God* is that the decline and fall of the Roman empire was caused “by the depraved moral habits of the citizens”<sup>146</sup> and by ancient Roman’s great “pleasure in ... obscenities... licentious acts.... debauchery.”<sup>147</sup> Similarly, from the perspective of 18th-century American colonists, as the American Declaration of Independence (1776) amply reflects, the rise and fall of the kingdom of Great Britain in colonial British North America had taken the same or similar course as that of the ancient Roman empire: while the kingdom of England may have once stood for honorable and noble principles, the kingdom of King George III’s Great Britain had grown utterly wicked and corrupt, particularly in the field of economics and imperial British mercantilism. For it was then during the 18th century when neo-orthodox Calvinism and Puritan economics (i.e., the Augustinian constitution of nature) were established and reaffirmed; but later, during the 19th century, that neo-orthodoxy was met, challenged, and finally overthrown. How did these political and economic changes occur historically?

In early-modern England, both the ecclesiastical courts and the king’s royal courts competed for jurisdiction over matters involving commercial ethics and morality. Then, all covenants, contracts, and commercial transactions were sealed with an “**oath**,” which ostensibly automatically included **God Himself as a principle party to every contractual**

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<sup>146</sup> St. Augustine, *The City of God*, supra, p. 69.

<sup>147</sup> Ibid., pp. 69 -71.

**or commercial transaction.** The “oath” mandated that each of the human parties deal with each other with honesty-in-fact, good faith, and fair dealing. Hence, the church, the bishops, and the priests helped to administer the law of commercial transactions and breach of contracts. “The question at issue was not whether the usurer should be punished—a point as to which there was only one opinion—but who should have the lucrative business of punishing him, and in practice he ran the gauntlet of all and each [i.e., the ecclesiastical and the royal courts]”<sup>148</sup> “For, in spite of the conflict of jurisdictions, the rising resentment against the ways of ecclesiastical lawyers, and the expanding capitalism of the later Middle Ages, it is evident that commercial cases continued... to come before the courts christian.”<sup>149</sup> “The records of ecclesiastical courts show that, though sometimes commercial questions were dismissed as belonging to the secular courts, cases of breach of contract and usury continued, nevertheless, to be settled by them.”<sup>150</sup> “Cases of usury were being heard by ecclesiastical courts under Elizabeth, and even in a great commercial center like the City of London it was still possible in the reign of James I for the Bishop’s Commissary to be trying tradesmen for ‘lending up pawnes for an excessive gain.’”<sup>151</sup>

Not only did the Church of England enforce anti-usury laws, it proactively organized lending and financial institutions in order to provide alternatives to the poor who were in need of cheap loans or cheap capital.<sup>152</sup> The Church of England heavily regulated against the sin of avarice and the practice of usury.<sup>153</sup> “It would not be easy to find a more drastic example, either of ecclesiastical sovereignty, or of the attempt to assert the superiority of the

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148 R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 50-51.

149 Ibid., p. 51.

150 Ibid., p. 52.

151 Ibid., p. 53.

152 Ibid.

153 Ibid., pp. 46-54.

moral law to economic expediency, than the requirement, under threat of excommunication, that all secular legislation sanctioning usury shall be repealed.” The Church of England and its clergy “attempted to spiritualize” economic and commercial life “by incorporating it in a divine universe, which should absorb and transform it.”<sup>154</sup> The Medieval moral influence— whose prime virtue was *asceticism*<sup>155</sup>-- was still being felt in late sixteenth and early seventeenth-century England. “The first fundamental assumption which is taken over by the sixteenth century is that the ultimate standard of human institutions and activities is religion. The architectonics of the system had been worked out in the *Summae* of the Schoolmen.”<sup>156</sup> “To take usury is contrary to Scripture; it is contrary to Aristotle; it is contrary to nature, for it is to live without labor; it is to sell time, which belongs to God, for the advantage of wicked men; it is to rob those who use the money lent, and to whom, since they make it profitable, the profits should belong: it is unjust in itself, for the benefit of the loan to the borrower cannot exceed the value of the principle sum let him; it is in defiance of sound juristic principles.... The part played by authority in all this is obvious. There were the texts in Exodus and Leviticus; there was Luke vi:35....”<sup>157</sup> “A man is to be accounted a usurer, not only if he charges interest, but if he allows for the element of time in a bargain, by asking a higher price when he sells on credit.”<sup>158</sup> “An archbishop of Canterbury is reminded that usury is perilous, not only for the clergy, but for all men whatever, and is warned to use ecclesiastical censures to secure the restoration, without the deduction of interest, of property which has been pawned....”<sup>159</sup>

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154 Ibid., p. 28.

155 Ibid., p. 23.

156 Ibid., p. 25.

157 Ibid., pp. 44-45.

158 Ibid., p. 48.

159 Ibid.

Quoting Gratian, British economic historian R. H. Tawney writes that Medieval thought did not think too highly of traders (i.e., the “buy low; sell high” way of life).<sup>160</sup> “The essence of the argument was that payment may properly be demanded by the craftsmen who make the goods, or by the merchants who transport them, for both labor in their vocations and serve the common end. The unpardonable sin is that of the speculator or the middleman, who snatches private gain by the exploitation of public necessities.”<sup>44</sup> “The medieval theorist condemned as a sin precisely that effort to achieve a continuous and unlimited increase in material wealth which modern societies applaud as a quality, and the vices for which he reserved his most merciless denunciations were the more refined and subtle of the economic virtues.”<sup>161</sup>

But even in Great Britain, towards the close of the 16<sup>th</sup> century, and throughout the 17<sup>th</sup> century, the ethical role of the Church of England was significantly curtailed, just as the mighty British Empire began to emerge during the early 1700s. British merchants and politicians (primarily the Whigs) systematically curtailed and marginalized the Church of England’s moral authority and influence. Capitalism (or mercantilism) was the primary force behind this movement. Led by the Whig party, modern parliamentary government and the secular forces of capitalism first took control of the British monarchy. They did this by inviting George I of the House of Hanover to England in order that he would become a limited, constitutional monarch under the control of the Whigs. Significantly, “[d]uring George's reign, the powers of the monarchy diminished and Britain began a transition to the modern system of cabinet government led by a prime minister. Towards the end of his reign, actual political power was

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160 Ibid., p. 37.

161 Ibid.

held by Robert Walpole, now recognised as Britain's first de facto prime minister.”<sup>162</sup> Historian Goldwin Smith thus summarized these circumstances as follows:

Although he knew almost nothing about politics George had sense enough to see that he could not be an absolute ruler in England as he had been in his beloved Hanover. He also saw that the Whigs had brought him from Germany for political and religious reasons. They alone could hold the house of Hanover safely upon the throne. Hence George I threw himself into the arms of the Whig party. They were indeed his friends and he trusted them.<sup>163</sup>

The Whigs and their powerful allies next targeted the Church of England and its *Christian influence upon law and public policy*.<sup>164</sup> As a result, during the 18<sup>th</sup> century, forces of

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162 “George died of a stroke on a trip to his native Hanover, where he was buried. He is the most recent British monarch to be buried outside the United Kingdom.” [https://en.wikipedia.org/wiki/George\\_I\\_of\\_Great\\_Britain](https://en.wikipedia.org/wiki/George_I_of_Great_Britain)

163 Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 421.

164 Ruben Alvarado, *Calvin and the Whigs: A Study I Historical Political Theology*, supra, pp. 158 -159, 172, stating that the rise of the Whig party and latitudinarian Anglicanism effectively removed the Church of England (and the church in general) from the public sector:

A further point needs to be made in this regard about the privatization of the church and the elimination of its role in public life. In effect, what this meant was the elimination of distributive justice from the public square. What remained was the stuff of ‘commutative’ justice—property and contract. This was felt to be necessary to avert war over first principles, because distributive justice is ‘substantive’ rather than ‘formal’ justice—in other words, it rests on value judgments. But this left a void that would be filled by socialism, communism, and the various forms of progressivism following in their train, all of which, in seeking to fill the vacuum left by the church’s elimination from public life, relentlessly push the individual/ collective continuum in the direction of the collective. This is the agenda of ‘social’ justice.

Furthermore, the effective check which the church provided to the state, making constitutional growth possible, was also removed. As has been noted repeatedly, the role of the sacraments, of the ‘keys,’ as bottom-line guarantees of faithfulness to oaths and commitments was fundamental to both the theory of theocratic government and the actual practice of constitutionalism in Christendom. Thus, the continued and vociferous resistance of, preeminently, Catholics and Calvinists to the attempts at privatizing church government and sacraments must be seen in the light of anxiety to preserve what they considered to be the most vital aspect of the entire fabric of government. The Grotian and Lockean agenda to remove the sacraments from public life in order to make room for a tolerant universalism was only superficially in the public interest. In the long run a most effective guarantee of respect of rights, a most effective sanction on abuse of power, was removed when the church was driven into the closet....

The point is, when the church was demoted from its coordinate role in the public arena vis-à-vis the state, the path was laid bare for the liberal framework with its simplistic individual/state continuum to clear the field of all ‘mediating structures’ and place the individual face-to-face with the monolithic state, with no supporting structures to cushion and configure and relativize that relation. The steady erosion of community has been the result. The social functions of the church regarding health, education, and welfare, have also been coopted by the state, with mixed results, to say the least: Thomas Chalmers would have hard word for the current culture of dependency fostered by vote-seeking politicians, and an education centered on the entitlements rather than the virtues—the inevitable result of state funding and supervision—has left a trail of cultural destruction and philistinism in its wake.

skepticism, deism, and commercialism attacked the Church of England from every direction. Even within universities such as Oxford and Cambridge, the Church of England was attacked; and within its bishoprics, parishes, dioceses, provinces, and synods, the Church of England was attacked from within by its own clergymen. The powerful forces which attacked the Church of England wished to restrict its influence on *law* and *public policy*.<sup>165</sup>

And these forces succeeded in doing just that, when on February 14, 1717, Parliament suppressed<sup>166</sup> Anglican clergymen from meeting and deliberating in their legislative body known as “Convocation.”<sup>167</sup> This historical act prompted historian Gerald Switzer to write:

That in so epochal a period England's greatest religious communion should rest supinely without visible means of corporate action, while dissenting groups in council, assembly, and conference, weighed the vital spiritual issues of the day, **is a phenomenon defying parallel in the Protestant world.** That the results in **religious apathy and moral decline were deplorable is the over-whelming testimony of reliable historians.**<sup>168</sup>

From the viewpoint of the legal historian, we may thus attribute the steady tearing away of the Christian conceptualization of “law” from Anglo-American constitutional jurisprudence—and the substitution of legal positivism and secularism—to this period of British history. During the reign of the House of Hanover and beyond, the Church of England’s influence over law and public policy was significantly curtailed. All of this would eventually influence British North America and its conceptualization of church-state relations.<sup>169</sup>

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165 Ibid.

166 Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” *Church History*, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), pp. 150 - 162.

167 Ibid.

168 Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” *Church History*, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), p. 151.

169 The Whigs in England sought to curtail the influence of the Church of England in law and public policy, but so, too, did the American colonists. Most of the Founding Fathers, including George Washington and Thomas Jefferson, had been Whigs or sympathized with Whig ideology. What colonial America and the entire British Empire lost was the establishment upon American soil of a great Anglican institution—the Church of England, the mother of Anglo- American constitutional law and jurisprudence and the moral voice of the British Empire. The loss of this great Anglican institution hastened the decline of the influence of the Christian faith upon Anglo-

The Whig Party did the bidding on behalf of British merchants within Parliament and, through Whig-leaning bishops, the Church of England. And Prime Minister Robert Walpole helped set the agenda in marginalizing the Church of England. The Church of England lost its direct influence over the laws and public policies over commerce and commercial ethics, slowly but methodically relinquishing its authority to the Prime Minister of Great Britain and to Parliament.<sup>170</sup> This occurred during the tumultuous period of the 18th-century, when Britain began to compete in earnest with France for dominance over world trade, and about the time of the French and Indian War (1754 - 1763), the American Revolutionary War (1775 - 1783), and the First Industrial Revolution (1760 – 1830). And in colonial British North America, the established Church of England faced declining popularity and influence on account of its affiliation with the British monarchy and imperialism over American commerce.<sup>171</sup> Hence, by the 1800s, the Church of England in both England and North America had been reduced to administering the ecclesiastical realm (i.e., church affairs only), while the regulation of commerce and commercial ethics fell largely into the hands of Parliament, British and American merchants, and the secular civil or common law courts. The result of all this was the collapse of commercial ethics throughout the British empire and North America as a whole.<sup>172</sup> With this

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American jurisprudence— i.e., the English system of “Higher Law,” ecclesiastical law, and equity jurisprudence was significantly subordinated by other priorities (e.g., commercial interests) within Anglo-American jurisprudence.

170 R. H. Tawney, *Religion and the Rise of Capitalism*, supra.

171 The Society for the Propagation of the Gospel in Foreign Parts (SPG) was founded in 1701 in order to spread the Gospel of Christ to the far reaches of the British Empire. It performed noble work, with varying measures of success, in colonial Virginia, New England, Pennsylvania, Maryland, New Jersey, New York, North Carolina, South Carolina, and Georgia. When the SPG failed in achieving its mission work, due in large measure to the American Revolutionary War (1775 – 1781), this great Anglican institution was never able to establish firm roots on American soil. What colonial America lost was the establishment upon American soil of a great Anglican institution—the Church of England, the mother of Anglo-American constitutional law and jurisprudence and the moral voice of the British Empire. The loss of this great Anglican institution hastened the decline of the influence of the Christian faith upon American jurisprudence— i.e., the English system of “Higher Law,” ecclesiastical law, and equity jurisprudence was significantly subordinated by other priorities (e.g., commercial interests) within American jurisprudence. This loss of the Anglican influence upon American jurisprudence also likely extended the life of African slavery upon American soil by several decades. Like the untimely death of a great human soul, the SPG died an untimely death in the United States of America in 1785. See, generally, Pascoe, C.F., *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: the SPGK, 1901).

172 R. H. Tawney, *Religion and the Rise of Capitalism*, supra.

collapse of commercial ethics came the rise of the moral relativism, avarice, and even licentiousness which today characterizes the postmodern West. All of this posed mortal dangers to the Puritan or Augustinian constitutional order.

## Chapter Five

### “Commercial Development and Puritanism in England and North America, 1600 to 1750”

In 17th-century colonial New England, the Puritans embraced and established the following “Augustinian” constitutional social, ecclesiastical, and civil order:

**“Family Government <-----> Church Government <-----> Civil Polity (i.e., the State).”<sup>173</sup>**

But during the late 17<sup>th</sup>- and 18<sup>th</sup>-centuries, the second and third generations of Puritans—as constituent members of the British empire-- began to promote the rise of capitalism and international trade,<sup>174</sup> which they initially regulated through strict biblical, ethical, and moral standards, but which would slowly contribute to the *destabilization* of their “Augustinian” constitutional order. Indeed, the 17th-century Puritans sprang out from “a new nobility and a new middle class,”<sup>175</sup> whose “economic strength was immense”<sup>176</sup> and who led the chartered trading companies and dominated the councils of government which protected commercial interests. This new Puritan nobility came out from the English upper classes, but they were largely the “second sons,” who through tradition would have sought careers in the church, the military, or law, but who now often looked to the newer careers that were opening up in business enterprise and global trade. English tradition, however, held firm, and there was during the fifteenth and sixteenth centuries great prejudice among the English nobility against engaging in trade, commerce, and usurious money-making. But by the early seventeenth century, such prejudices began to fade away, as European nations began to readily define their glory, honor and power in terms of global economic dominance. Colonial expansion thus

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<sup>173</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), p. 173 (“the triangular relation of family-church-state”).

<sup>174</sup> Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017).

<sup>175</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 284

<sup>176</sup> Ibid.

became a matter of life and death in seventeenth- and eighteenth century England. And the Puritan and Calvinist world-views appealed to the very class of English noblemen who were looking to take advantage of world trade. Hence, through the Puritans, as well as through the imperious Anglicans, “**capitalism**” became an acceptable expression of the Christian way of living, and hence **the steady destabilization of the “Augustinian” constitutional order** of the British empire and colonial New England became firmly entrenched.

The English Puritans thus shared the same political, economic and class interests as this new English bourgeois-merchant class. They were virtually the same persons, but not all members of this new bourgeois shared the same Calvinistic religious devotion and commitment as the Puritans. The Puritans (and to a great extent, the Presbyterians) became the priesthood (and merchant marine chaplains) for the new English merchants and the businessmen. As ordained priests within the Church of England, many of the Puritan clergy became the chaplains to the chartered trading companies.<sup>177</sup> And thus, through the Puritan clergy, the merchants and the businessmen began to infiltrate the Church of England. “Hence more bourgeois clergymen came into the church; they were often much more reform-minded than their aristocratic superiors in the hierarchy. Through them, and also by other channels, the essentially Puritan outlook of the businessman was hallowed and consecrated by Puritan religion.”<sup>178</sup>

Unlike during the period of the early nineteenth century and onward, where business and commerce were viewed as purely secular, the Puritans of the sixteenth— and seventeenth centuries did not jettison business and commercial activities from Christian analysis and ecclesiastical jurisdiction. **The Puritans insisted that economic activities, like all other human actions, were subject to the moral law of God**, and hence those activities had to

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177 One such chaplain was Nathaniel Ward (1578 – October 1652) who was an Anglican priest and a chaplain to a company of English merchants in Prussia. Rev. Ward would later move to North America, where he would settle in the Massachusetts Bay Colony. There, he would later draft the monumental “Massachusetts Body of Liberties.”

178 Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 286.

be restrained in accordance with God's will, purpose, and providence.<sup>179</sup> As the history of England attests, **Puritanism tried to tame English capitalism during the seventeenth and eighteenth centuries. Puritanism tried to subject English merchants to ethical duties which emanated from church dogma; and it tried to curtail their thirst for super-profits at the cost of eternal damnation.** "Calvinism opposed organic social organization in the fiscal-monopolistic form which it assumed in Anglicanism under the Stuarts, especially in the conceptions of Laud, this alliance of Church and State with monopolists on the basis of a Christian, social ethical foundation."<sup>180</sup> Moreover, "[o]ver the whole seventeenth century looms the vexed question of religion. Elizabeth's famous Anglican compromise had endured throughout her reign despite heavy assaults upon it.... The Puritans, called rightly by Elizabeth 'dangerous to kingly rule,' were searching out the Scriptures and asking for God's guidance in sweating sermons and 'a tedious mile of prayer.' For various reasons these Puritans were increasing in number. During Elizabeth's reign, for example, the

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"The emergence of the idea that "business is business," and that the world of commercial transactions is a closed compartment with laws of its own, if more ancient than is often supposed, did not win so painless a triumph as is sometimes suggested. Puritan as well as Catholic accepted without demur the view which set all human interests and activities within the compass of religion. Puritans, as well as Catholics, essayed the formidable task of formulating a Christian casuistry of economic conduct.

"They essayed it. But they succeeded even less than the Popes and Doctors whose teaching, not always unwittingly, they repeated. And their failure had its roots, not merely in the obstacles offered by the ever recalcitrant opposition of a commercial environment, but like all failures which are significant, in the soul of Puritanism itself. Virtues are often conquered by vices, but their rout is most complete when it is inflicted by other virtues, more militant, more efficient, or more congenial, and it is not only tares which choke the ground where the good seed is sown. The fundamental question, after all, is not what kind of rules a faith enjoins, but what type of character it esteems and cultivates. To the scheme of Christian ethics which offered admonitions against the numberless disguises assumed by the sin which sticketh fast between buying and selling, the Puritan character offered, not direct opposition, but a polished surface on which these ghostly admonitions could find no enduring foothold. The rules of Christian morality elaborated by Baxter were subtle and sincere. But they were like seeds carried by birds from a distant and fertile plain, and dropped upon a glacier. They were at once embalmed and sterilized in a river.

"The capitalist spirit' is as old as history, and was not, as has sometimes been said, the offspring of Puritanism. But it found in certain aspects of later Puritanism a tonic which braced its energies and fortified its already vigorous temper."

Source: <https://newrepublic.com/article/79410/puritanism-and-capitalism>

<sup>180</sup> Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, p. 128.

dwindling revenues of the bishoprics had ceased to tempt the aristocracy.”<sup>181</sup> The reform-minded, *bourgeoisie* Puritan clergymen began to crowd inside of the Church of England. Through the “Puritan outlook of the businessman,” which was “hallowed and consecrated by Puritan religion,” avarice and materialism infiltrated England’s religious consciousness,<sup>182</sup> and slowly the “Augustinian” constitutional order was completely compromised.

By the eighteenth century, the Church of England now had to compete with powerful Puritan business interests for influence and control over the secular government.<sup>183</sup> “The emergence of the idea that ‘business is business,’ and that the world of commercial transactions is a closed compartment with laws of its own, if more ancient than is often supposed, did not win so painless a triumph as is sometimes suggested. Puritan as well as Catholic accepted without demur the view which set all human interests and activities within the compass of religion. Puritans, as well as Catholics, essayed the formidable task of formulating a Christian casuistry of economic conduct.”<sup>184</sup> But the teachings of either the Catholics or Puritans on economic ethics fell upon stony hearts, and were swept away by “[t]he capitalist spirit.”<sup>185</sup>

Hence, a historical understanding of John Calvin and Calvinism became contradictory and convoluted. “While social reformers in the sixteenth century could praise Calvin for his economic rigor, their successors in Restoration England, if of one persuasion, denounced him as the parent of economic license, if of another, applauded Calvinist communities for their commercial enterprise and for their freedom from antiquated prejudices on the subject of economic morality.”<sup>186</sup> But pure, authentic Calvinism was eventually overthrown by the very

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<sup>181</sup> Goldwin Smith, *A History of England*, supra, p. 286.

<sup>182</sup> Ibid.

<sup>183</sup> R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 11-60.

<sup>184</sup> Ibid., p. 187.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid., p. 189

commercial forces which it had liberated.<sup>187</sup> “If the City Fathers of Geneva had thrown off by the beginning of the seventeenth century the religious collectivism of Calvin’s regime, it was not to be expected that the landowners and bourgeoisie of an aristocratic and increasingly commercial nation, however much Calvinist theology might appeal to them, would view with favor the social doctrines implied in Calvinist discipline.”<sup>188</sup> Thus in Geneva, as in colonial New England and throughout the British empire, the “Augustinian” constitutional order was completely compromised.

It is probable that the great financiers and merchants of England helped finance the Puritan Reformation in order to advance their own material interests. The Puritans and the capitalists could be viewed as two distinct constituencies— although in reality they were often the same individual persons— directing their arrows at the same target: the Church of England and the British Monarchy. However, when this Reformation finally prevailed, the commercial interests of these financiers and merchants finally succeeded in overthrowing the Church of England’s (and the Reformed churches’) monopoly over economic ethics and morals;<sup>189</sup> those same commercial interests, once successful in breaking loose from the grip of the British monarchy, then turned against the high ideals of New England Puritanism.<sup>190</sup> Through those commercial interests, the seed was planted for the eventual overthrow of the very neo-orthodoxy which the “Augustinian” constitutional order had lent to the New England Congregationalists, the Presbyterians, the latitudinarian Anglicans, the reformed Baptists, the Quakers, etc. and to

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187 Ibid., p. 193- 195.

188 Ibid., p. 195.

189 Ibid., pp. 189 – 210.

190 See, e.g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 120-131 (“...Calvinism had perceptibly lost in its power of ascetic influence... **Puritanical ideals tended to give way under excessive pressure from the temptation of wealth....** Calvin himself had made the much-quoted statement that only when the people, i.e., the mass of labourers and craftsmen, were poor did they remain obedient to God.”)

the American Founding Fathers, and which was contained within letter and spirit of the American Declaration of Independence (1776). The things which made Augustine of Hippo assail the ancient Roman empire in his magnum opus, *The City of God*, had re-emerged during the period of the First Industrial Revolution (1790 -1850).<sup>191</sup> John Calvin and his early Puritan disciples would have been appalled by the collapse of commercial ethics and the “Augustinian” constitutional order throughout Great Britain, North America, and the West, during the nineteenth century.<sup>192</sup>

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<sup>191</sup> And this was especially true in the British empire during the 18th century, and in the United States during the early 19th century.

<sup>192</sup> Ibid.

## Chapter Six

### “The Great Evangelical Awakening and the British Empire, 1700 to 1750”

The Society for the Propagation of the Gospel in Foreign Parts (SPG) was a specialized ministry within the Church of England.<sup>193</sup> The SPG was concerned largely with the decline in basic morality and in knowledge of the Gospels throughout British colonies.<sup>194</sup> It operated in colonial British America from the period 1701 to 1785, and its special mission was to bring orthodox Anglican Christianity to the colonies by sponsoring missionary Anglican priests and by building new churches, schools, and libraries.<sup>195</sup> The deterioration in basic morals throughout early 18th-century British society was a widely-known fact which some members of the Anglican clergy sought to address through the SPG.<sup>196</sup> But, unfortunately, the SPG largely failed in its mission to established orthodox Anglicanism in British North America, and by 1785, the American Revolutionary War (1775- 1783) had effectively disrupted and ended the SPG’s mission.<sup>197</sup> But where the Anglican Church and the SPG had failed, the *evangelical* Anglicans (i.e., the Methodist, the Independents, the Congregationalists, the Presbyterians, etc.) would fill in that void and succeed,<sup>198</sup> especially

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<sup>193</sup> C. F. Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900*. London, England: the SPGK (1901).

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> See, e.g., Goldwin Smith, *A History of England*, supra, pp. 447 -449, stating: “National Habits.... This, then, was a century of heavy drinking, lawlessness, gambling, and immorality.... Much of the brutality of the period, especially among the gin-inflamed poor of the cities, was the result of ignorance.” See, also, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. I., pp. 19 -32 (“Spiritual and Moral Conditions in England before the Revival”) and p. 413 (“The religious fervor which had characterized many of the first settlers of the new world had long since died away.”)

<sup>197</sup> C. F. Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900*, supra.

<sup>198</sup> The SPG had sent the Reverend John Wesley (1703 - 1791) to the colony of Georgia in 1732. Rev. Wesley had tried but failed to establish a form orthodox High-Church Anglicanism in Georgia but failed, having prematurely

during the 1730-1750 period which been called the First Great Awakening in British North America and the Evangelical Awakening in Great Britain. In North America, this First Great Awakening laid the foundation— through the leadership especially of Rev. George Whitefield (1714 - 1770)<sup>199</sup>— of the type of “General Christianity” that ultimately became the constitutional foundation of the American Declaration of Independence (1776) and the U. S. Constitution (1787).

The Reformed Calvinists of colonial New England and the British Methodists<sup>200</sup> had much in common during the 1730s and 40s— they both sought to restore the “Augustinian”<sup>201</sup> constitutional social and civil order whose collapse they were witnessing firsthand.<sup>202</sup> The universal message preached during the 1730s and 40s was that “[t]he love

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returned to England under a criminal indictment and under less than favorable circumstances. When Rev. George Whitefield (1714 - 1770) was sent to Georgia to replace Rev. Wesley as the parish priest in Savannah, he refused to settle down into one parish but instead insisted that he become an itinerant preacher throughout all of the North American colonies. Both Wesley and Whitefield had become a part of the same “Methodist” club at Oxford, and both men were destined to become leaders in the Evangelical Awakening that swept across England and the North American colonies.

<sup>199</sup> See, generally, Arnold Dallimore, *George Whitefield: The Life and Times of the Great Evangelist of the 18th Century Revival*, Vols I & II, *supra*.

<sup>200</sup> The story of Methodism began at Oxford University during the 1720s, at a time when irreligion and deism were challenging the “orthodox” Puritan faith. See, e.g., C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 78 (“Methodism was originally a part of the Puritan movement within the Anglican Church....”) See, also, Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 455 (Methodism “united with the great thrusts of Puritanism to produce the important ‘Nonconformist conscience.’”)

<sup>201</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), p. 173 (“the triangular relation of family-church-state”).

<sup>202</sup> Amanda S. Mylin, *Evangelical Jeremiads and Consuming Eves: The Relationship of Religion and Consumerism in Eighteenth Century Colonial America*, pp. 30-31:

Some of these polemicists brought to light social class differences. Society was challenged by consumerism as wealthy colonists concerned themselves with the effect rising middling colonists would have on the social order. According to Lois Green Carr and Lorena S. Walsh, the consumer revolution did have an effect on social life. Before 1760, dress, household décor, and social ceremonies were the way the wealthy flaunted their social standing. Thus, purchasing consumer goods was a prideful right accorded to those at the top of the social bracket. However, as middling sorts and even some poor began to assert themselves in the consumer marketplace, the medium for showing wealth and power was forced to change. Sumptuary laws could not stop middling classes from accumulating luxury items, because they could not be denied goods they were easily able to purchase. Therefore, by 1800 the wealthy showed their status through elegance of lifestyle. Christine Heyrman’s article on third-generation Puritan clergy also discusses social hierarchy and wealth. Ministers felt that social hierarchy needed to be determined by church membership and charitable giving rather than wealth alone. She states that ‘the clergy deliberately played upon the anxieties of merchant families recently rich and eager for recognition.’ Charity had the ability to neutralize the negative

of the world quenches the love of God.”<sup>203</sup>

Once the Great Awakening developed, ministers, even itinerants, continued to decry worldliness....<sup>204</sup>

Consumerism presented a direct challenge to the evangelical faith....<sup>205</sup>

During the height of the Great Awakening, sinful excess continued to be a strong discussion point....<sup>206</sup>

Even after the height of the Great Awakening in the early 1740's, evangelicalism flourished. Ministers continued to handle problems of frivolous consumerism with no foreseeable end in sight.<sup>207</sup>

At the same time as the Great Awakening, the consumer revolution, a transatlantic consumer craze in the American colonies and England, spread. This meant colonists could display their social status through items they were finally able to purchase, especially those in middling classes. Marketing efficiency improved, and manufacturing and transportation became more streamlined. As a result, items once considered luxury goods became more plentiful, less expensive, and more varied. Advertising also began to improve, directly affecting consumer desires. Colonists from New England to the Chesapeake were able to keep up to English standards. Despite the evangelical derision of consumer products due to their detrimental spiritual effects, evangelicalism and consumerism rose side by side and even depended on the other to a certain extent. Evangelical ministers frequently spoke about the perils of vanity and luxury, yet revivalist itinerants often used consumer methods of advertising to spread their message....<sup>208</sup>

Later, during the American Revolution, consumerism became a distinctly feminine occupation, and evangelical jeremiads focused on the effeminacy of participating in the consumer market to discourage the practice. Purchasing goods was generally a task done for the purposes of the private home, which was identified as the woman's sphere. However, the moderate radicalism of the Great Awakening toned down these sharp gender distinctions.<sup>209</sup>

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stain and power of wealth associated with commercial interests in colonial society. Spiritual nourishing was encouraged by these ministers rather than worldly wealth and wisdom.

203 See, generally, Amanda S. Mylin, *Evangelical Jeremiads and Consuming Eves: The Relationship of Religion and Consumerism in Eighteenth Century Colonial America*, supra., p. 19.

204 Ibid., p. 34.

205 Ibid., p. 35.

206 Ibid., p. 36.

207 Ibid., p. 38.

208 Ibid., p. 21.

209 Ibid., p. 39.

[Lambert]<sup>210</sup> explains, ‘Consumer goods served as props for presenting self to others—markers of social identification.’ The wealthy in particular were able to show off their status through goods, and in a sense, fashion themselves. The middling classes attempted to copy this act of self-fashioning once they had the means to do so. Bushman claims that the conditions needed for an evangelical conversion to happen during the Awakening were ‘an increased desire for material wealth,’ also known as ‘worldly pride or covetousness,’ and more and more authority clashes as a result of material gain. He states, ‘Both were the results of economic expansion, and both were, in the Puritan mind, offenses against God.’ Increased desires for wealth and materialism led colonists to realize their utter depravity and instead, cry out for salvation.<sup>211</sup>

The First Great Awakening (i.e., Evangelical Revival in England) was an intuitive response to major but subtle economic, social, political, and juridical changes that shook the foundations of Great Britain and the British empire during the early 1700s.<sup>212</sup> See, e.g., the following table, “Great Awakening Pastors and Jeremiads Against Avarice, Consumerism, and Materialism, 1730s- 1780s,” to wit:

**Practical Ministry: “Great Awakening Pastors and Jeremiads”**

<b>English and American Pastors (or News Publishers) Who Preached Against Avarice, Consumerism, and Materialism.</b>	<b>Sermons preached against Avarice, Consumerism, and Materialism<sup>213</sup></b>
Rev. William Cooper (1694 – 1743)	“The Sin and Danger” (1741) <sup>214</sup>
Rev. Ebenezer Gay (1696 -1787)	“The Duty of People to Pray” (1730) <sup>215</sup>
Rev. Josiah Smith (1704 -1781)	“Solomon’s Caution” (1730) <sup>216</sup>

<sup>210</sup> Lambert, Pedlar in Divinity, 8; Thomas S Kidd, *George Whitefield: America’s Spiritual Founding Father* (New Haven: Yale University Press, 2014), 76.

<sup>211</sup> Ibid., pp. 36-37.

<sup>212</sup> See, generally, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. I., pp. 19 -32 (“Spiritual and Moral Conditions in England before the Revival”) and p. 413 (“The religious fervor which had characterized many of the first settlers of the new world had long since died away.”)

<sup>213</sup> See, generally, Amanda S. Mylin, *Evangelical Jeremiads and Consuming Eves: The Relationship of Religion and Consumerism in Eighteenth Century Colonial America*, supra.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

Rev. John Brown (1696- 1742)	“An Ordination Sermon Preach’d at Arundel” (1731) <sup>217</sup>
Rev. Gilbert Tennet (1703 -1764)	“The Unsearchable Riches of Christ Considered in Two Sermons” (1739) <sup>218</sup>
Rev. George Whitefield (1714 – 1770)	“Intercession for Every Christian’s Duty: A Sermon Preach’d to a Numerous Audience in England” (1739) <sup>219</sup>
Peter Clark (1694 – 1768)	“The Rulers Highest Dignity” (1739) <sup>220</sup>
Rev. William Cooper (1694 -1743)	“The Sin and Danger” (1714) <sup>221</sup>
Benjamin Franklin (1706 – 1790)*	“Father Abraham’s Speech in Poor Richard’s Almanac” (1758) <sup>222</sup>
Rev. William Williams (1688 - 1760)	“God the Strength of Rulers” (1741) <sup>223</sup>
Rev. Andrew Eliot (1718 – 1778)	“An Evil and Adulterous Generation” (1758) <sup>224</sup>
Rev. Philip Reading (1720 – 1778)	“The Protestant’s Danger” (1755) <sup>225</sup>
Rev. James Sterling (1701 -1763)	“A Sermon Preached Before His Excellency” (1750) <sup>226</sup>
Rev. William Currie (1709 – 1803)	“A Sermon Preached in Radnor Church” (1748) <sup>227</sup>
Rev. John Mellen (1722 – 1807)	“The Duty of All to Be Ready” (1756) <sup>228</sup>

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217 Ibid.

218 Ibid.

219 Ibid.

220 Ibid.

221 Ibid.

222 Ibid.

223 Ibid.

224 Ibid.

225 Ibid.

226 Ibid.

227 Ibid.

228 Ibid.

Rev. Arthur Browne (1699 – 1773)	“The Necessity of Reformation” (1757) <sup>229</sup>
Rev. Nathaniel Potter (1733 -1768)	“A Discourse on Jeremiah” (1758) <sup>230</sup>
Rev. Ebenezer Prime (1700 – 1779)	“The Importance of the Divine Presence” (1759) <sup>231</sup>
Rev. Abraham Keteltas (1732 -1798)	“The Religious Soldier” (1759) <sup>232</sup>
Rev. Jonathan Mayhew (1720 – 1766)	“Two Thanksgiving Discourses Delivered October 9th” (1760) <sup>233</sup>
Rev. Philip Doddridge (1702 – 1751)	“Sermons on the Religious Education of Children” (1763) <sup>234</sup>
Rev. Josiah Smith (1704-1781)	“Sermons on Several Important Subjects” (1757) <sup>235</sup>
Rev. David Judson (1715 – 1776)	“Timely Warning” (1752) <sup>236</sup>
Rev. Benjamin Lay (1682 – 1759)	“All Slave-Keepers That Keep the Innocent in Bondage” (1737) <sup>237</sup>
Rev. Anthony Benezet (1713 – 1784)	“A Short Sermon on That Part of Africa Inhabited by Negroes” (1762) <sup>238</sup>
Rev. Peter Whitney (1744 – 1816)	“The Transgression of a Land” (1774) <sup>239</sup>
Rev. Edward Barnard (1720 – 1774)	“A Sermon Preached before His Excellency” (1766) <sup>240</sup>

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229 Ibid.

230 Ibid.

231 Ibid.

232 Ibid.

233 Ibid.

234 Ibid.

235 Ibid.

236 Ibid.

237 Ibid.

238 Ibid.

239 Ibid.

240 Ibid.

Rev. Abiel Leonard	“The Memory of God’s Goodness” (1768) <sup>241</sup>
Rev. Samuel Fothegill (1715 - 1752)	“A Prayer of Agur” (1768) <sup>242</sup>
Rev. Joseph Robinson (1742 – 1807)	“Affections of the Mind” (1769) <sup>243</sup>
Rev. Abraham Williams (1727 – 1784)	“A Sermon on James V.9” (1766) <sup>244</sup>
Rev. Robert Smith (1723 – 1793)	“The Principles of Sin and Holiness and the Conflict Between These, in the Hearts of Believers” (1769) <sup>245</sup>
Rev. Samuel Langdon (1723 – 1797)	“Government Corrupted by Vice” (1775) <sup>246</sup>
Rev. Timothy Hilliard (1747 – 1790)	“The Duty of a People” (1774) <sup>247</sup>
Rev. Samuel Sherwood (1729 – 1783)	“A Sermon, Containing Scriptural Instruction” (1774) <sup>248</sup>
Rev. Jacob Duche (1737 – 1798)	“The American Vine” (1775) <sup>249</sup>
Rev. John Lathrop (1740 – 1816)	“A Sermon Preached to the Ancient and Honorable Artillery Company” (1774) <sup>250</sup>
Rev. William Smith (1727- 1803)	“A Sermon on the Present Situation” (1775) <sup>251</sup>
Francis Bailey (1744 – 1817)	“A Sermon on Tea” (1774) <sup>252</sup>
Rev. John Wesley (1703 – 1791)	“Thoughts Upon Slavery” (1778) <sup>253</sup>

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241 Ibid.

242 Ibid.

243 Ibid.

244 Ibid.

245 Ibid.

246 Ibid.

247 Ibid.

248 Ibid.

249 Ibid.

250 Ibid.

251 Ibid.

252 Ibid.

253 John Wesley, *Thoughts Upon Slavery* (London, England/ Philadelphia, PA: J. Crukshank Pub., 1778) pp. 33-34, 53, 56.

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The spiritual, psychological, and emotional needs of the average commoner were neglected in favor of gambling, drinking, and the prostitute houses. Global British mercantilism not only introduced materials and manufactured goods from across the globe, but also foreign ideas about race, religion, and culture. The Church of England was seriously under-funded in Great Britain, but in colonial British North America, organized religion was changing; it was being challenged; or, otherwise, it was perceived as illusory. Simultaneously, British mercantilism enticed and paid off the High Churchmen within the Church of England as well as other established churches. The prominent churchmen who concurred with the new trends of commercialism and empire tended to be “Whigs” or influential, latitudinarian Anglicans and liberal, neo-orthodox Calvinists.

During the entire period of the 18th-century, “neo-orthodoxy” met and overthrew “orthodoxy.” To a very great degree, the Great Evangelical Awakening was an “orthodox” movement to counter the forces of “neo-orthodoxy.”

<b>Capitalism, Secularism and the Growing Opposition to Orthodoxy and Neo-Orthodoxy</b>	
18 <sup>th</sup> - century Orthodox Anglicans “ORTHODOXY”	18th -century Latitudinarian Anglicans “NEO-ORTHODOXY”
Dr. Richard Hooker’s <i>Of the Laws of Ecclesiastical Polity</i> (1594)	Dr. Matthew Tindal’s <i>Christianity as Old as Religion</i> (1730); Bishop Joseph Butler’s <i>The Analogy of Religion</i> (1736)
Eternal Law	Eternal Law
Divine Law <sup>254</sup>	<b>Natural Law</b>

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254 Under the new regimes of the Enlightenment, “divine law,” or the primary authority of the Holy Bible, was reduced in stature and subordinated to the “law of reason” and the “law of nature.” See, e.g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 102- 103 (“[f]rom this idea of the continuance of revelation developed the well-known doctrine, later consistently worked out by the Quakers, of the (in the last analysis decisive) significance of the inner testimony of the Spirit in reason and conscience. **This did away, not with the authority, but with the sole authority, of the Bible....**”)

Natural Law	Divine Law <sup>255</sup>
Human Law	Human Law

This is largely the reason why the orthodox Anglican theologian Rev. John Wesley (1703 - 1791) opposed the ideas of the American Revolution. Perhaps Wesley was not ready to accept “neo-orthodoxy,” whereas the younger American Methodists, such as Rev. Francis Asbury (1745 -1816), readily embraced the “neo-orthodoxy” of the American Revolutionary ideal. Nevertheless, British mercantilism, imperialism, and global capitalism— which “neo-orthodoxy” accepted as part and parcel of Christian living— began to challenge even “neo-orthodoxy,” and this challenge “neo-orthodoxy” strengthened during the 19th century and reached its apogee during the mid-20th century.<sup>256</sup> In a word, British mercantilism and, later, American capitalism and consumerism posed mortal threats to the “orthodox” Puritan and

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255 Ibid.

256 See, e.g., Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whitaker, 1905), pp. 248-249, to wit:

The fall of Puritanism as a theological system controlling American thought, which was the consequence of this failure of the ministry as a class to see the moral question involved in the slavery agitation and which was precipitated by the Unitarian secession, left the American people without a formal theological system in which to center their thought and life, and the result is the theological chaos and the religious paralysis in the midst of which we are now living....

**With this spirit of commercialism the spirit of Puritanism is now in deadly conflict**, and upon the issue of that conflict depends, not only the spiritual welfare of the people of America, but also the spiritual history and spiritual welfare of the world for ages to come. The warfare that is waging to-day is the warfare between the merchant and the minister; the minister, who believes in God, the merchant, who believes in gain; the minister, who believes that man is a person, the merchant who believes that man is a thing....

To speak of the separation of church and state is to speak of the separation of soul and body. If the state is without a church it is without warrant in the conscience of man; if the church is without a state it is without power in the life of the world. The church without the state is a disembodied spirit; the state without the church is a putrefying corpse....

The present separation or the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.

American evangelicalism was thus borne out of the First Great Awakening and continues to bear the same cross, that is, to purify the body politic and to recapture the “orthodoxy” and (or) the “neo-orthodoxy” which began to slowly evaporate during the late 18th- and 19th centuries.

Anglican way of life, which, fundamentally, reflected the Augustinian “ancient constitution,”<sup>257</sup> where the patriarchal family government, the church, and the state were inter-connected in seamless natural, unwritten constitution. Those same secular forces also posed mortal threats to the “neo-orthodox” way of life of the latitudinarian Anglicans (e.g., the Jeffersonians) and the Scottish Presbyterians, which was memorialized in the American Declaration of Independence (1776), and also reflected in the Augustinian “ancient constitution.”<sup>258</sup>

As merchants and traders became more and more marginalized the orthodox Puritan and Anglican teachings. The Holy Bible and its orthodox pastors and priests were more and more marginalized. The important public roles of the organized church within the public sector were more and more reduced; and this created a sort of moral and intellectual vacuum, which was often filled by neo-orthodox, humanistic, and secular worldviews. Against these new ideas arose disconcerted voices of the evangelical preachers—led by men such as the Rev. Jonathan Edwards (1703 – 1758), the Rev. George Whitefield (1714 – 1770) and the Rev. John Wesley (1703 – 1791). The Evangelical Revival was an effort to recapture the idea of holiness— both the holy civil polity and the sanctified, born-again individual.

### **Rev. Jonathan Edwards and the First Great Awakening<sup>259</sup>**

The vanguard of Puritan orthodoxy in colonial New England was exemplified in the

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<sup>257</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8:

In dating the origins of Western civilization, and consequently of its constitution, the publication of Augustine’s *De Civitate Dei* [*Of the City of God*] serves as well as any for a reference point. This book was perhaps the most important ever written in the West; for a thousand years after its publication it exercised an influence unrivalled by any other, besides the Bible itself. For good reason, one writer calls it ‘The Charter of Christendom.’

<sup>258</sup> In the twenty-first century, these same secular forces continue to present the same mortal dangers to the family, the church, and the civil polity.

<sup>259</sup> See, generally, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. I., pp. 419 -429 (“Revival among the Congregationalists of New England”).

life and legacy of the Rev. Jonathan Edwards (1703 - 1758). During his lifetime, in colonial New England, the orthodox Puritans lost ground to the neo-orthodox Congregationalists and Presbyterians. Edwards did not live long enough to see the American Revolution, but he was especially concerned about the moral collapse of his beloved Puritan New England. The same commercial and secular forces of liberalism and pluralism that shook the foundations of the Church of England during the early 1700s were also shaking the foundations of Puritan New England. British mercantilism and international trade brought diverse views and opinions from around the world into provincial colonial New England. These diverse views both challenged and threatened New England's orthodox Calvinist worldview. Perhaps the greatest threat to Puritan New England was the influx of wealthy Whig mercantilist families who sympathized with Unitarianism, Deism, and the "Arminian-leaning" theological perspectives.<sup>260</sup> "For Jonathan Edwards [and other 'New Light' Calvinists], Enlightened philosophies were akin to Arminianism because they implied that human thought was independent of God."<sup>261</sup> The conservative Puritans classified as "Arminians" all Christians sects that did not comport with Calvin's five principles, known as TULIP. At first, Rev. Edwards and others exercised great influence upon New England in their opposition to all forms of Arminianism. But the Arminians were not only numerous, their biblical arguments were cogent; and because they were viewed as less stringent than the Calvinists, their numbers grew rapidly in colonial New England. And soon the conservative Calvinists were in the minority, even in Connecticut where, due to his conservative theological views, Rev. Edwards was released from the pastorate of a local

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<sup>260</sup> After Calvin's death, another dissenter arose up among the ranks of the Calvinist Reformers—a man named Jacobus Arminius (1560 – 1609). Arminius disagreed with certain aspects of Calvin's orthodoxy, such as the question of "justification" and "election." These differences slowly created a growing rift within the Reformed Churches of Europe—and, eventually, within the early 18th-century Calvinists-Puritans of colonial New England.

<sup>261</sup> Daniel Craig Norman, "John Witherspoon, Common Sense, and Original Sin," (An Integrative Thesis Submitted to Faculty of Reformed Theological Seminary in Fulfillment of the Requirements For the Degree Master of Arts, June 2006), p 2. [citing Henry F. May, *The Enlightenment in America* (New York, N.Y.: Oxford Univ. Press, 1978), p. 49].

Congregational Church.

**The Arminian Challenge to orthodox Calvinism in  
New England During early 1700s<sup>262</sup>**

<b>Calvinism and Arminianism in Colonial New England</b>	
Orthodox Calvinism—TULIP	Arminian Theology—ACURA <sup>263</sup>
1. Total depravity	1. All are sinful
2. Unconditional election	2. Conditional election
3. Limited atonement	3. Unlimited atonement
4. Irresistible grace	4. Resistible grace
5. Perseverance of the saints	5. Assurance of salvation

Indeed, Rev. Edwards encountered great difficulty in imposing strict Calvinism in many of the Congregational Churches. In Puritan New England, under the doctrine of strict Calvinism, only the “elect” could be a member of the church or be eligible to vote or run for public office. According to Max Weber’s *The Protestant Work Ethic and the Spirit of Capitalism*, John Calvin himself believed that it was impossible for earthly human beings to know who are “the elect,” and that “[i]t is an unjustifiable attempt to force God’s secrets.”<sup>264</sup> But Rev. Edwards sought to prove that “the elect” could be known in this lifetime; that proof of the “regenerated” spirit would be readily demonstrated. And since Rev. Edwards tried to limit church membership, and thus local citizenship, to persons who could prove that they were among “the elect,” the local Congregational Church in New Haven revolted against his authority and released him from his pastorate there. What happened to Rev. Edwards, however, was a sign of death knell of the “orthodox” Puritan church-state in British North America.

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<sup>262</sup> Don Thoresen, *Calvin vs. Wesley: Bringing Belief in Line with Practice* (Nashville, TN: Abingdon Press, 2013), p. 139.

<sup>263</sup> Ibid.

<sup>264</sup> Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, p. 75.

The effort to designate “the elect” and to organize them into a “visible church” was invented not by Calvin, but rather by Calvin’s “followers as early as [Theodore] Beza, and, above all, for the broad mass of ordinary men. For them... the sense of the recognizability [sic] of the state of grace necessarily became of absolutely dominant importance.”<sup>265</sup> In colonial New England, Rev. Jonathan Edwards had been accused of carrying out this project of pinpointing with scientific precision those person who were “the elect” to the point of fanatic extremism.<sup>266</sup> But exactly how were men and women to be determined to be members of the “elect?” They were required to testify under oath as to the nature of their conversion experience—and those persons who could not attest that they had received the Holy Spirit could not become members of the church or otherwise participate in government. This system began to show cracks as the seventeenth century came to a close. In response, Congregationalist ministers invented a “Half-Way” covenant, whereby persons who were not sure about having received the rebirth or renewal would become church members and, in some cases, participate in the sacraments of the Lord’s Supper and infant Baptism. As expected, the “Half-Way Covenant” was unsatisfactory to conservative Puritans such as Rev. Edwards.

Some churches maintained the original standard into the 1700s. Other churches went beyond the Half-Way Covenant, opening baptism to all infants whether or not their parents or grandparents had been baptized. Other churches, citing the belief that baptism and the Lord's Supper were ‘converting ordinances’ capable of helping the unconverted achieve salvation, allowed the unconverted to receive the Lord's Supper as well.

The decline of conversions and the division over the Half-Way Covenant was part of a larger loss of confidence experienced by Puritans in the latter half of the 17th century. In the 1660s and 1670s, Puritans began noting signs of moral decline in New England, and ministers began preaching *jeremiaids* calling people to account for their sins.....[A jeremiad is a long literary work, usually in prose, but sometimes in verse, in which the author

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<sup>265</sup> Ibid.

<sup>266</sup> Since no Puritan or Congregational church could completely grasp this science of ascertaining who “the elect” persons were, and since scores of second- or third- generation New Englanders opted for more lenient forms of Calvinism, the Puritan Church-State ultimate fell.

bitterly laments the state of society and its morals in a serious tone of sustained invective, and always contains a prophecy of society's imminent downfall.]<sup>267</sup>

Hence, even Puritan New England began to show signs of spiritual erosion and discord by the early 1700s. Not only had the divide within the Arminian wing of the Puritans begun to increase, but also more Unitarians emerged; and even within the Calvinist wing of the Puritan divide, there were various other shades of differences that created additional erosion and discord. What caused the need for this spiritual movement known as the Great Evangelical Awakening? It is likely that “the influence of Enlightenment rationalism was leading many people to turn to atheism, Deism, Unitarianism and Universalism. The churches in New England had fallen into a ‘staid and routine formalism in which experiential faith had been a reality to only a scattered few.’”<sup>268</sup>

At the time when the Arminian challenges to Congregational churches presented itself in the form of the “Half-Way” covenant, the provincial character of colonial, Puritan New England gave way to widespread materialism and to the influx of cosmopolitan ideals such as Unitarianism, Deism, atheism, and market culture (“consumerism,” “social status,” and “social climbing”). “For Jonathan Edwards [and other ‘New Light’ Calvinists], Enlightened philosophies were akin to Arminianism because they implied that human thought was independent of God.”<sup>269</sup> Meanwhile, British mercantilism continued to pour Arminian theology, as well as other diverse views and opinions, into colonial Puritan New England. “At the same time, church membership was low from having failed to keep up with

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<sup>267</sup> “First Great Awakening,” Wikipedia Encyclopedia (online): [https://en.wikipedia.org/wiki/First\\_Great\\_Awakening](https://en.wikipedia.org/wiki/First_Great_Awakening)

<sup>268</sup> Ibid.

<sup>269</sup> Daniel Craig Norman, “John Witherspoon, Common Sense, and Original Sin,” (An Integrative Thesis Submitted to Faculty of Reformed Theological Seminary in Fulfillment of the Requirements For the Degree Master of Arts, June 2006), p 2. [citing Henry F. May, *The Enlightenment in America* (New York, N.Y.: Oxford Univ. Press, 1978), p. 49].

population growth, and the influence of Enlightenment rationalism was leading many people to turn to atheism, Deism, Unitarianism and Universalism. The churches in New England had fallen into a 'staid and routine formalism in which experiential faith had been a reality to only a scattered few.'<sup>270</sup> Christian humanism thus took hold of universities (including New England's Harvard College) where Calvinism had been firmly established:

In Geneva, on the contrary, in the protestant cantons of Switzerland, in Sweden, and Denmark, the most eminent men of letters whom those countries have produced, have, not all indeed, but the far greater part of them, been professors in universities. In those countries the universities are continually draining the church of all its most eminent men of letters.<sup>271</sup>

Simultaneously, Calvinism's tolerance of capitalism and the widespread participation of Calvinist merchants in global mercantilism contributed to the undermining of orthodox Calvinist values. Calvinism, by itself, could not contain the excesses of capitalism, materialism, and mammon.<sup>272</sup> "[In Geneva] after the short supremacy of the Calvinistic theocracy had been transformed into a moderate national Church, and with it Calvinism had perceptibly lost in its power of ascetic influence....<sup>273</sup> [A]lso in Holland, which was really only dominated by strict Calvinism for seven years, the greater simplicity of life in the more seriously religious circles, in combination with great wealth, led to an excessive propensity to accumulation."<sup>274</sup> And this was also true of Calvinism in both colonial New England and British North America as a whole. It is within this context that Calvinism in New England and

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270 [https://en.wikipedia.org/wiki/First\\_Great\\_Awakening](https://en.wikipedia.org/wiki/First_Great_Awakening)

271 Adam Smith, *The Wealth of Nations* (New York, N.Y.: The Modern Library, 1937), p. 763- 764.

272 See, e.g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 120-131 ("...Calvinism had perceptibly lost in its power of ascetic influence... **Puritanical ideals tended to give way under excessive pressure from the temptation of wealth....** Calvin himself had made the much-quoted statement that only when the people, i.e., the mass of labourers and craftsmen, were poor did they remain obedient to God.")

273 Max Webber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017), 120.

274 *Ibid.*, p. 123.

throughout colonial British North America became “neo-orthodox.”

### **Rev. George Whitefield and the First Great Awakening**

The Rev. George Whitefield (1714 - 1770)<sup>s275</sup> did more than perhaps any other person to help to lay the groundwork for the latitudinarian Anglicanism and the neo-orthodox Calvinism to flourish in colonial British North America, and thereby, ultimately, to lay the groundwork for the American Revolution and the Declaration of Independence (1776). Whitefield reshaped the American religious landscape in a way that ultimately reshaped the American political and constitutional frame of reference.

Whitefield lived and died a priest of the Church of England. He loved the Church, considered himself her loyal son, and regarded his labours as aimed primarily at advancing her welfare.

Nevertheless, his outlook in daily practice was largely a non-denominational one. He held that the Scriptures do not teach any one form of church government and therefore he had no firm convictions in the matter. His position is well illustrated in the following incident.

While preaching on a certain occasion from the balcony of the court-house in Philadelphia, in the midst of his sermon he raised his eyes upward and cried:

‘Father Abraham, whom do you have in heaven? Any Episcopalians?’

‘No!

‘Any Presbyterians?’

‘No!

‘Have you any Independents or Baptists?’

‘No

Have you any Methodists there?’

‘No! No! No!

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<sup>275</sup> George Whitefield, *Intercession for Every Christian’s Duty: A Sermon Preach’d to a Numerous Audience in England* (Boston: T. Fleet for Charles Harrison, 1739), 9–10.; George Whitefield, *A Continuation of the Reverend Mr. Whitefield’s Journal from His Embarking after the Embargo, To His Arrival at Savannah in Georgia* (Philadelphia: Printed and sold by B. Franklin, in Market-Street, 1740), 98. See, also, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), pp. 179 - 191 (“The Great Awakening”)

‘Then whom have you there?’

‘We don’t know those names here. All who are here are Christians— believers in Christ— those who have overcome by the blood of the Lamb and the word of their testimony.’

‘O, if this is the case,’ said Whitefield, ‘then God help me, God help us all, to forget party names and to be Christians in deed and truth!’<sup>276</sup>

Throughout colonial British North America, Rev. Whitefield preached “under the auspices of Independents, Presbyterians, Baptists and sometimes Quakers, and above all helping [John] Wesley.... In this activity Whitefield sought to preach especially the great underlying truths of the faith, ***the recognized essential elements of Christianity***, and he defined the basis of his collaboration, saying: ‘I truly love the glorious Emmanuel, and though I cannot depart from the principles which I believe are clearly revealed in the book of God, yet I can cheerfully associate with those that differ from me, if I have reason to think they are united to our common Head.’<sup>277</sup> This was, in fact, how American Christianity came to be forged— during the period of the First Great Awakening— into “General Christianity,” and as a form of latitudinarian Anglicanism.

Rev. Whitefield “was an Anglican cleric and evangelist who was one of the founders of Methodism and the evangelical movement.”<sup>278</sup> An Oxford graduate and associate of Revs. John and Charles Wesley,<sup>279</sup> Rev. Whitefield “received widespread recognition during his

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<sup>276</sup> Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. II, p. 543 (“Where is Whitefield to be placed denominationally”).

<sup>277</sup> Arnold Dallimore, *George Whitefield: The Life and Times of the Great Evangelist of the 18th Century Revival*, p. 257.

<sup>278</sup> “George Whitefield,” *Wikipedia* (online encyclopedia); see, also, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), pp. 179 - 191 (“The Great Awakening”) See, also, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. I, p. 5 (“Whitefield lived from 1714 to 1770, and throughout much of his adult life was as famous as any man in the English-speaking world. From the age of twenty-two till his death he was the foremost figure of the immense religious movement that held the attention of multitudes on both sides of the Atlantic.”)

<sup>279</sup> “George Whitefield,” *Wikipedia* (online encyclopedia)(“Whitefield, like many other 18th century Anglican evangelicals such as Augustus Toplady, John Newton, and William Romaine, accepted a plain reading of Article 17—the Church of England's doctrine of predestination—and disagreed with the Wesley brothers' Arminian views on the doctrine of the atonement. However, Whitefield finally did what his friends hoped he would not do—hand over the entire ministry to John Wesley. Whitefield formed and was the president of the first Methodist conference, but he soon relinquished the position to concentrate on evangelical work.”) See,

ministry; he preached at least 18,000 times to perhaps 10 million listeners in Great Britain and her American colonies. Whitefield could enthrall large audiences through a potent combination of drama, religious eloquence, and patriotism.”<sup>280</sup> Unlike the Wesley brothers, Whitefield was a “Calvinistic Methodist.”<sup>281</sup> While in the American colonies, Whitefield befriended and associated with many New England Congregationalists, including Rev. Jonathan Edwards who invited Whitefield to preach at his local church, and with many Presbyterians.

Rev. Whitefield traveled back and forth from England and North America more than a dozen times, and his influence upon American evangelical religion was very significant. Hence, Rev. Whitefield’s contributions to the American Revolution lay precisely in the fact that his emphasis upon the “born again” experience continued the work of Martin Luther (1483- 1546)—a work which democratized Western Europe and the Western Church.<sup>282</sup> Whitefield’s impact on North America would have much the same result. One of Rev. Whitefield’s major concerns was the growing impact of materialism and consumerism throughout the empire:

Evangelical itinerant Whitefield recognized this challenge and preached a sermon to a wide audience in England, imploring them to pray for kings because of the heavy authority bestowed upon them. Britons (and colonists alike) were subject to the authority of the king, wanting to live quiet, honest, godly lives, so it was imperative that their king lived his life in such a manner. Whitefield explained, ‘If we set before us the many Dangers and Difficulties, to which Governours by their Station are exposed, and the continual Temptations they lye under to Luxury and Self-Indulgence; We shall not only Pity, but Pray for Them.’<sup>283</sup>

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generally, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vols I and II.

<sup>280</sup> Ibid.

<sup>281</sup> See, e.g., “Calvinistic Methodism,” *Wikipedia* (online encyclopedia); see, also, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), p. 231 (“Whitefieldian or Calvinistic Methodism”)

<sup>282</sup> See, e.g., “George Whitefield,” [https://en.wikipedia.org/wiki/George\\_Whitefield#Whitefield\\_versus\\_laity](https://en.wikipedia.org/wiki/George_Whitefield#Whitefield_versus_laity) (“New divinity schools opened to challenge the hegemony of Yale and Harvard; personal experience became more important than formal education for preachers. Such concepts and habits formed a necessary foundation for the American Revolution. Whitefield’s preaching bolstered ‘the evolving republican ideology that sought local democratic control of civil affairs and freedom from monarchical and parliamentary intrusion.’”)

<sup>283</sup> Amanda S. Mylin, *Evangelical Jeremiads and Consuming Eves: The Relationship of Religion and Consumerism in Eighteenth Century Colonial America*, supra., p. 35.

According to Lambert, Whitefield, although an employer of commercial techniques, felt uncomfortable about the driving consumer market, and echoed Puritan ‘pronouncements against luxuries’ from a century earlier. He was heavily critical of anyone who placed their worldly material wealth in front of salvific concern. Lambert notes that Whitefield particularly condemned sins associated with consuming goods that led to self-fashioning.<sup>284</sup>

Although Whitefield was a Calvinistic preacher, on balance, the effects of his preaching and influence reached a wide audience of Christians and persons, regardless of their theological persuasion. An example of Whitefield’s influence is exemplified in his relationship with Benjamin Franklin, who was admired Rev. Whitefield even though Franklin himself was a self-professed Deist or agnostic. Moreover, Whitefield and his followers continued to utilize the name “Methodist” and partly because Whitefield also utilized the same “unorthodox” methods of evangelization through outdoor field-preaching. Although Rev. Whitefield disputed with Rev. John Wesley over the competing views of orthodox Calvinism and Arminianism, they continued to remain both formally and informally tied to each other as “Oxford Methodists.” Rev. Wesley’s private journal certainly reflects this close relationship, on numerous occasions; and, it punctuates this fact, solemnly, with the notation that Rev. Whitefield had requested that Rev. Wesley preach Whitefield’s funeral eulogy.<sup>285</sup> This demonstrates that both Whitefield and Wesley had more in common than differences. Neither Whitefield or Wesley was assigned to a local parish, and both men resorted to open-air field preaching as a way to conduct ministry. Rev. Whitefield’s appeal was to all human beings who would listen— slave and free, black and white, male and female, etc. And it is likely that Rev. Whitefield’s listeners were likely unable to distinguish between Calvinism and Arminianism, and so the effects of Whitefield’s ministry led to the conversions of all sorts of men and women, whether they eventually joined either a

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<sup>284</sup> Ibid., p. 36.

<sup>285</sup> *The Journal of John Wesley* (first published by F.H. Revell in 1903), pp. 235, 254, 282, 270, 284, and 348.

Calvinistic or Arminian denomination— or, like Benjamin Franklin, joined no church denomination at all.<sup>286</sup>

Finally, since both Whitefield and the Methodists preached primarily “heart religion,” they made no outward distinctions between the “orthodoxy” of the Church of England and “neo-orthodoxy” of the latitudinarian Anglicans, during the period of the First Great Awakening (1730 - 1750). During this period, the natural law and natural religion principles of “neo-orthodoxy” were perhaps not well known outside of elite circles, and may not have yet entered into the currency of Christian sermon-writing and preaching. In fact, this “neo-orthodoxy” was not fully manifested in Anglo-American religious and political discourse until period of the American Revolution (1770 - 1790).

Conversely, during the period of the First Great Awakening, field preaching, camp meetings, church revivals, and Pentecostal-type conversions characterized the movement of the Holy Spirit to build personal connections between sinners and the Lord Jesus Christ. Without question, the spirit of Puritanism— and the early Methodists were certainly heirs of the early Puritans<sup>287</sup>— pushed back against the emerging cultural, social, political, and economic forces of British mercantilism, materialism, and imperialism, which became predominant in public life during the early 18<sup>th</sup> century and which appeared to rapidly undermine the holy life, the family, the church, and the divine Covenant. During the period, the primary struggle of Rev. Whitefield and the Methodists was against what appeared to be sinister worldly forces that were changing the character of Anglo-American society. To these Methodist-Puritans in England and colonial British North America, both the Law and the Prophets expressly condemned these changes, but

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<sup>286</sup> For instance, Whitefield is considered the founding father of Black evangelism, because large numbers of African American slaves and freemen were influenced by Whitefield’s preaching and example.

<sup>287</sup> See, e.g., C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 78 (“Methodism was originally a part of the Puritan movement within the Anglican Church....”) See, also, Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 455 (Methodism “united with the great thrusts of Puritanism to produce the important ‘Nonconformist conscience.’”)

“these Puritanical ideals tended to give way under excessive pressure from the temptations of wealth, as the Puritans themselves knew very well.”<sup>288</sup> Rev. Whitefield was human and he made human mistakes, particularly perhaps with respect to his slave-holding.<sup>289</sup> Here we find the fatal criticism of American Christianity dabbling in, and profiting from, slavery and the transatlantic slave trade— including such distinguished evangelists as Jonathan Edwards (1703 - 1758) and George Whitefield (1714 - 1770).<sup>290</sup> Indeed, slavery, which grew out of the spirit of capitalism, became the original mistake of some evangelical American Christians. Today, Rev. Whitefield’s reputation was established through his valiant preaching efforts made during the period of the Great Awakening in colonial British North America,— a watershed moment in Anglo-American history in which Rev. Whitefield, as an Anglican priest, sought, in earnest, to help save the soul of the British empire. It is the firm conclusion of this postdoctoral study that Rev. Whitefield preached and helped to establish a form of “General Christianity” that ultimately became the constitutional foundations of the United States.

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<sup>288</sup> Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, p. 124.

<sup>289</sup> Rev. Whitefield was a benevolent slave holder who tried to justify certain forms of slave-holding that could bring positive benefits to the enslaved Africans. This paper shall make no condemnation against Rev. Whitefield’s judgment. But it shall suffice to state that his brother Rev. John Wesley’s anti-slavery position in “Thoughts Upon Slavery” (1774) reflected what the official Methodist position was against the institution of slavery, and had Rev. Whitefield been alive and had the opportunity to read Wesley’s “Thoughts Upon Slavery,” that it is likely that Whitefield would have concurred with Wesley’s sentiments. This assessment of Whitefield is based largely upon Whitefield’s “Campaign Against the Cruel Treatment of Slaves.” See, e.g. “George Whitefield,” *Wikipedia* (online encyclopedia). Rev. Whitefield, like Rev. Jonathan Edwards (1703-1758) and Rev. John Witherspoon (1723- 1794) who owned slaves, tried to justify American slavery on the basis of the type of ancient slavery that had been afforded to the ancient Hebrews, as described in the Old Testament. This was the “orthodox” form of Anglicanism which many latitudinarian Anglicans and Deists eventually rejected, and thus substituted this form of “orthodoxy,” which sought to find ways to justify certain forms of biblically-ordained slave-holding, for the “neo-orthodoxy” which held that “all men are created equal” and “entitled to inalienable rights,” that was expressed in the American Declaration of Independence (1776). See, also, Reinhold Niebhur, “The Christian Church in a Secular Age,” *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 730 -743.

<sup>290</sup> See, e.g., W.E.B. Du Bois, “The Souls of Black Folk,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 440 (“Oglethorpe thought slavery against the law and gospel; but the circumstances which gave Georgia its first inhabitants were not calculated to furnish citizens over-nice in their ideas about rum and slaves. Despite the prohibitions of the trustees, these Georgians, like some of their descendants, proceeded to take the law into their own hands; and so pliant were the judges, and so flagrant the smuggling, and so earnest were the prayers of Whitefield, that by the middle of the eighteenth century all restrictions were swept away, and the slave-trade went merrily on for fifty years and more.”)

## Rev. John Wesley and the First Great Awakening

Finally, we turn to another towering figure of the 18th century, the Reverend John Wesley (1703 - 1791). Rev. Wesley became one of the primary architects of the Evangelical Awakening in England and the leader of the Methodist Movement there,<sup>291</sup> the “orthodox foundations” of English society were under assault by the Whigs and the latitudinarian Anglicans. Rev. Wesley maintained that viewpoint throughout the period of the American Revolutionary War (1770 - 1790), when he maintained that the American patriots and the English Whigs has orchestrated a conspiracy to overthrow King George III. At the same time, Rev. Wesley opposed all of the material and secular forces which characterized the commercial age of 18th-century British mercantilism. Indirectly, Rev. Wesley felt that those forces had undermined the “Augustinian” constitutional order because those same forces had undermined the work of the old Puritans from a century earlier and made the British an “ungodly” people.

For instance, Rev. Wesley believed that ever since the Restoration of the Stuart Monarchy in 1660, the whole fabric of English society had started to decline both morally and spiritually.

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291 The basic theme of 18<sup>th</sup>-century Methodism was that “the Gospel of Christ knows no religion but social, no holiness but social holiness.” “Methodism was originally a part of the Puritan movement within the Anglican Church....” [C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 78] Methodism “united with the great thrusts of Puritanism to produce the important ‘Nonconformist conscience.’” [Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 455.]

Methodism’s call for social holiness and social reform was deeply-rooted in a traditional Anglican conception of the secular magistrate (i.e., the State) as being God’s vicegerent who must administer true justice. As a consequence, the “Methodist Church has remained pre-eminently the church of the working classes in Britain.” [Goldwin Smith, *A History of England*, supra, p. 455.] It came into existence largely to fill a spiritual vacuum and to redress the effects of widespread poverty throughout the British Empire:

### Church <-----> State <-----> Capitalism

Max Weber has said that “[t]he great revival of Methodism, which preceded the expansion of English industry toward the end of the eighteenth century, may well be compared with such a monastic reform. We may hence quote here a passage from John Wesley himself... ‘I fear, wherever riches have increased, the essence of religion has decreased in the same proportion. Therefore I do not see how it is possible, in the nature of things, for any revival of true religion to continue long. For religion must necessarily produce both industry and frugality, and these cannot but produce riches. But as riches increase, so will pride, anger, and love of the world in all its branches....’” *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 124-125.

Though speaking several decades later, after the Great Awakening had ended, Rev. Wesley reiterated the same sentiments which he had held throughout his career, when he said:

[W]hat is the present characteristic of the English nation? It is ungodliness. This is at present the characteristic of the English nation. Ungodliness is our universal, our constant, our peculiar character. I do not mean Deism; the not assenting to revealed religion. No; a Deist is a respectable character, compared to an ungodly man. But by ungodliness I mean, first, the total ignorance of God; Secondly, a total contempt of him. And, First, a total ignorance of God is almost universal among us. The exceptions are exceeding few, whether among the learned or unlearned. High and low, cobblers, tinkers, hackney-coachmen men and maid servants, soldiers, sailors, tradesmen of all ranks, Lawyers, Physicians, Gentlemen, Lords, are as ignorant of the Creator of the world as Mahometans or Pagans.... They know not, they do not in the least suspect, that he governs the world he has made; that he is the supreme and absolute Disposer of all things both in heaven and earth....

Whether this is right or no, it is almost the universal sentiment of the English nation....

They do not take God into their account; they can do their whole business without him; without considering whether there be any God in the world; or whether he has any share in the management of it....

But negative ungodliness (so to speak) is the least exceptionable part of our character....

The first branch of this positive ungodliness, and such as shows an utter contempt of God, is perjury. And to this the common people are strongly tempted in our public Courts of Justice, by the shocking manner wherein oaths are usually administered there, contrary to all sense and decency....

Hence perjury infects the whole nation. It is constant, from month to month, from year to year. And it is a glory which no nation divides with us; it is peculiar to ourselves. There is nothing like it to be found in any other (Christian or Heathen) nation under heaven....

There is one other species of ungodliness, which is, if possible, still more general among us; which is also constant, being to be heard in every street every day in the year; and which is quite peculiar to our nation, to England, and its dependencies; namely, the stupid, senseless, shameless ungodliness of taking the name of God in vain. <sup>292</sup>

See then, Englishmen, what is the undoubted characteristic of our nation; it is ungodliness. True, it was not always so: For many ages we had as much the fear of God as our neighbors. But in the last age, many who were absolute strangers to this, made so large a profession of it, that the nation in general was surfeited, and,

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<sup>292</sup> To take God's name in "vain" essentially means to "curse" God; to make a false oath; or to knowingly claim to have been called by God or to prophesy falsely.

at the Restoration,<sup>293</sup> ran headlong from one extreme to the other. It was then ungodliness broke in upon us as a flood; and when shall its dire waves be stayed?<sup>294</sup>

Rev. Wesley was *not a liberal latitudinarian* Anglican. Arguably, Rev. Wesley's "quadrilateral" approach to theology (i.e., scripture, tradition, reason, and experience) encompassed the doctrine that "Christianity is a republication of natural religion." However, Rev. Wesley never embraced the label "latitudinarian." As previously stated, the American Revolution of '76 and '87 was fundamentally a liberal latitudinarian Anglican movement, but Rev. Wesley was an "orthodox" Anglican who felt that *latitudinarian Anglicanism ignored the conventional means of grace and salvation* and Scriptural holiness. "In his sermon on the Catholic Spirit Wesley condemns both 'speculative' and 'practical' latitudinarianism which, for him, entailed an indifference towards: all theological opinions, all forms of public worship and all forms of church government.... Wesley does not use the term latitudinarian positively at any point in his writings."<sup>295</sup> Hence, we may rightfully deduce that Rev. Wesley's efforts during the Great Awakening was designed to promote the "orthodoxy" of the Church of England.

Rev. Wesley both sympathized with, and admired, Rev. Jonathan Edwards. Wesley applauded Edwards' efforts to keep the Congregationalist Churches both purified and holy. Wesley even published Edward's articles on spiritual regeneration. Like Edwards, Wesley sought to purify and to make holy the entire kingdom of England and the British colonies. As a Tory and avid supporter of King George III, Rev. Wesley never left the Church of England and

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293 King Charles II was restored (i.e., the "Restoration") to the Throne of England in 1660. According to Wesley, this marks the beginning for England's moral decline. It should be noted here that under Charles II, the new Stuart monarchy launched the beginning of the English-led transatlantic slave trade and the suppression of religious tolerance. This period, from about 1660 onward, marked the beginning of the decline in England's moral values. By the early 1700s, this problem of moral decline was felt in the Church of England and throughout Great Britain. This led to the First Great Awakening and the Evangelical Revival (1730s-40s).

294 Rev. John Wesley, "An Estimate of The Manners of the Present Times" (1785).

295 Daniel Pratt Morris-Chapman, "High and Low? The Heritage of Anglican Latitudinarianism in The Thought of John Wesley" [citation omitted], pp. 83-99.

maintained the “orthodox” Anglican theology. However, when Wesley was forced to ordain Francis Asbury and Thomas Coke as new Methodist superintendents due to the exigencies of the American Revolutionary War, he was by divine Providence tacitly admitting the old order of “orthodoxy” was passing away for a new order of “neo-orthodoxy” which the American Declaration of Independence (1776) represented. The new Methodist Episcopal Church in the new United States of America was the creature of American “neo-orthodoxy,” which the orthodox theologian Rev. Wesley himself had expressed discomfort, doubt, and open criticism.

### **Conclusion**

In a word, the Society for the Propagation of the Gospel in Foreign Parts (SPG) had failed miserably in establishing the orthodox Anglican faith in colonial British North America during the period 1701 to 1785.<sup>296</sup> The SPG missionary priests who were sent to the American colonies— including both John Wesley and George Whitefield who arrived in Georgia during the early 1730s— soon discovered the social, economic, and cultural conditions in the colonies were not suitable for the brand of “orthodox” Anglicanism that had become firmly established in England.<sup>297</sup> Moreover, British mercantilism and latitudinarian Anglicanism were major threats to orthodox Anglican culture and civilization, which Reverends Edwards, Whitefield, Wesley and other Great Awakening pastors sought to ameliorate through field preaching, the evangelical revival, and various other methods of delivering the Gospels for the reformation of England, Great Britain, and colonial British North America. But the “orthodoxy” which these men sought to preserve was lost, or, rather, it was transformed into the “neo-orthodoxy” of both latitudinarian Anglicanism and Calvinism. Both Jonathan Edwards and John Wesley never embraced these forms of “neo-orthodoxy,” but their followers did: in the case of Rev. Edwards’s followers, the New England Congregationalist and the Presbyterians upheld neo-orthodox

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<sup>296</sup> C. F. Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900*. London, England: the SPGK (1901).

<sup>297</sup> Ibid.

Calvinism; and in the case of Rev. Wesley's followers, the American Methodists and the Welsh-Calvinistic Methodists upheld republicanism, Jeffersonianism, and latitudinarian Anglicanism. Hence, the First Great Awakening (1730- 1750), or the Evangelical Awakening as it was called in England, eclipsed the mission of the Society of the Propagation of the Gospel in Foreign Parts (SPG). In terms of bringing the word of God to the hearts and minds of millions of souls who were converted, on the whole, the Great Awakening has been described as a watershed moment in world history and as a great spiritual success in the history of the Christian faith.

The decisive result of the Great Awakening was that "General Christianity" became the dominant form of Christianity in colonial British North America, just before and during the American Revolutionary War, and, later, just after the new United States was founded. Significantly, the United States Supreme Court has likewise confirmed this viewpoint in the cases of *Terrett v. Taylor*, 13 U. S. 43 (1815);<sup>298</sup> *Vidal v. Girard's Executors*, 2 How. 127 (1843)<sup>299</sup>; *Holy Trinity v. United States*, 143 U. S. 457 (1892);<sup>300</sup> and *United States v. Macintosh*, 283 U. S. 605 (1931).<sup>301</sup> The North Carolina Supreme Court has explained the nature of American common law as having inherited the rulings of England's ecclesiastical courts in the case of *Crump v. Morgan*, 38 N. C. (3 Ired. Eq.) 91, 40 Am. Dec. 447 (1843), to wit:

It is said that these are the adjudications of ecclesiastical courts and are founded not in common law, but in the canon and civil laws, and therefore not entitled to respect

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298 *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing "the principles of **natural justice**, upon **the fundamental laws of every free government**").

298 *Vidal v. Girard's Executors*, 2 How. 127 (1843)(the United States is "**a Christian country.**")

299 *Ibid.*

300 *Holy Trinity v. United States*, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is "**a Christian nation.**")

301 *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a **Christian people** (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470- 471), according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God.")

here. But it is an entire mistake to say that the canon and civil laws, as administered in the ecclesiastical courts of England, are not part of the common law. Blackstone, following Lord HALE, classes them among the unwritten laws of England, and as parts of the common law which by custom are adopted and used in peculiar jurisdictions. They were brought here by our ancestors as parts of the common law and have been adopted and used here in all cases to which they were applicable, and whenever there has been a tribunal exercising a jurisdiction to call for their use. They govern testamentary cases and matrimonial cases. Probate and re-probate of will[s] stand upon the same grounds here as in England, unless so far as statutes may have altered it.

Similarly, the Pennsylvania Supreme Court ruled in the case of *Updegraph v. Commonwealth*, 11 Serg. & Rawle 394 Pa. 1824, that:

Christianity, general Christianity, is, and always has been, a part of the common law of *Pennsylvania*; Christianity, without the spiritual artillery of *European* countries; for this Christianity was one of the considerations of the royal charter, and the very basis of its great founder, *William Penn*; not Christianity founded on any particular religious tenets; not Christianity with an established church, and tithes, and spiritual courts; but Christianity with liberty of conscience to all men....<sup>302</sup>

This “General Christianity” was a multi-denominational, “evangelical” Christianity and (or) a “primitive” Christianity — not the formalized religion of Roman Catholicism or the Church of England or other established national church. And this “General Christianity,” as we have demonstrated in previous volumes of this postdoctoral study, was the same “catholic” Christianity that was espoused by Augustine of Hippo in *The City of God*. As previously demonstrated in the preceding volumes of this postdoctoral study, Augustine’s theology actually became the foundational model for Luther, Calvin, and the Protestant Reformation, as well as the foundation of Christian “neo-orthodoxy” (e.g., “Christianity is a republication of natural religion”)<sup>303</sup> which is exemplified in the American Declaration of Independence (1776).

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<sup>302</sup> See, also, **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.”

<sup>303</sup> See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159 (“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”). See

## Chapter Seven

### “The Transatlantic Slave Trade and the Church of England”

We have seen in the previous two chapters how capitalism and materialism overthrew “orthodox” Anglicanism, “orthodox” Puritanism, and the Church of England during the late 17th and early 18th centuries, in colonial British North America and in the new United States. This history is exemplified in the decline and fall of the Society for the Propagation of the Gospel in Foreign Parts (SPG),<sup>304</sup> which had been founded to address the decline in basic morality and knowledge of the Gospels throughout the British colonies.<sup>305</sup> But, unfortunately, when the SPG failed, so did the “legal tradition” of the Christian religion (i.e., the implementation of general equity and the chancery or ecclesiastical courts) also decline. A strange sort of **legal positivism**, or municipal law, filled that void in the colonies, and in the new United States—one which permitted unscrupulous merchants, traders, investors, lawyers, and judges to **replace Augustinian neo-orthodoxy (i.e., “fundamental law,” “natural law,” “natural moral law,” and “general equity”)** with **positive merchant’s laws** that authorized human slavery and unscrupulous commercial profits. Rev. William Goodell’s *The American Slave Code* noted this shift from the old “orthodox” English common law which developed under the auspices of the Church of England (including the “neo-orthodox” doctrines contained in the American Declaration of Independence (1776)) to *legal positivism* and municipal laws, stating:

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generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733). See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

<sup>304</sup> C. F. Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900*. London, England: the SPGK (1901).

<sup>305</sup> See, e.g., Goldwin Smith, *A History of England*, supra, pp. 447 -449, stating: “National Habits.... This, then, was a century of heavy drinking, lawlessness, gambling, and immorality.... Much of the brutality of the period, especially among the gin-inflamed poor of the cities, was the result of ignorance.”

It is undoubtedly true that the common law, if applied to the slave, would amply protect him from outrage and murder. It would also protect him in his right to his earnings and to the disposal of the products of his industry, to exemption from seizure and sale: in a word, the common law, if applied to the slave, would emancipate him; for every body knows, and the Louisiana and Kentucky Courts have decided, that the slave becomes free the moment he comes under the jurisdiction of common law, by being carried by consent of his master out of the jurisdiction of the municipal law which alone binds him. There is no such municipal law against 'horses and other animals,' removing them from the protection of common law. Mr. Wheeler does not appeal to the municipal law, as existing either in statutes or in the judicial decisions with which he is so conversant, to prove that the slave enjoys effective protection. It is this municipal law, and not the common law, that defines the condition of the slave....<sup>306</sup>

Sir John Hawkins obtained leave of Queen Elizabeth, in the year 1562, to transport Africans into the American Colonies with their own free consent, a condition with which he promised to comply. But he forfeited his word, and forced them on board his ships by acts of devastation and slaughter. For this he was denominated a murderer and a robber, even by the historian Edwards, an advocate of the slave-trade. (Vide Clarkson's History, p. 30; and Edwards' Hist. W. Indies, vol. 2, pp. 43-4.) This was the beginning of the slave-trade by Englishmen.

By Act of 23 George II, the 'trade to Africa' was 'regulated,' including a strict prohibition, under penalties, of the taking on board or carrying away any African 'by force, fraud, or violence.' (Vide Clarkson, p. 314. See also Spooner's Unconstitutionality of Slavery.)

Under no other legal sanction than this, the forcible and fraudulent seizure and transportation of slaves from Africa to the British-American Colonies was carried on till the West India and North American Colonies were stocked with slaves, and many were introduced into England, held as slaves there, and the tenure accounted legal!

But in 1772 it was decided by Lord Mansfield, in the case of James Somerset, a slave, that the whole process and tenure were illegal; that there was not, and never had been, any legal slavery in England. This decision was understood by Granville Sharpe, the chief agent in procuring it, to be applicable to the British Colonies, as well as to the mother-country, and undoubtedly it was so. The United States were then Colonies of Great Britain. But the slaves in the Colonies had no Granville Sharpe to bring their cause into the Courts, and the Courts were composed of slaveholders.

In the great struggle, afterwards, in the British Parliament for abolishing the African slave-trade, William Pitt cited the Act of 23 George II., (which we have already mentioned,) and declared that instead of authorizing the slave-trade, as was pretended, it was a direct prohibition of the whole process, as it had actually been carried on by fraud, force, and violence. An elaborate investigation by Parliament sustained the statement; and, after a long struggle, the doctrine prevailed, and the traffic was expressly and solemnly abolished, though it has been secretly carried on to

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<sup>306</sup> William Goodell, *The American Slave Code* (New York, N.Y.: American and Foreign Anti-Slavery Society, 1853), p.185.

the present day, and is prosecuted still.... *The whole process is, and has been, illegal, from beginning to end.*<sup>307</sup>

Hence, from the days of Queen Elizabeth I, the “orthodox” laws of England and the “orthodox” theology of the Church of England prohibited both slavery and slave trade.<sup>308</sup> The “orthodox” Anglican and Tory Justice Lord Mansfield’s holding in the case of *Somerset v. Stewart* (1772) restated that same anti-slavery viewpoint.<sup>309</sup> And even the “orthodox” Anglicanism of the Rev. John Wesley restated that same anti-slavery viewpoint.<sup>310</sup>

Indeed, by the early 18<sup>th</sup>- century, there were anti-slavery Christian stalwarts within the Church of England. For example, there were men such as Rev. Dr. Thomas Bray (1658 - 1730), who insisted upon the conversion of Native Americans and Africans, and their manumission from slavery. Rev. Bray had been the catalyst of many positive developments from within the Church of England, such as the founding of the Society of the Propagation of

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<sup>307</sup> Ibid., pp. 258-260.

<sup>308</sup> Ibid. See, also, Alexander Crummell, “Eulogium on the Life and Character of Thomas Clarkson, Esq. of England,” *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), pp. 218-219.

In England, in 1562, we find **Queen Elizabeth** anxious, lest the evils of the slave trade should be entailed upon Africa by any of her subjects, declaring that if any of them were carried off without her consent, ‘It would be detestable, and call down the vengeance of Heaven upon the undertakers.’

From this time, we find a continual testimony, ever and anon, borne **against the system of slavery**, by men of every profession and of every rank:-- MILTON; Bishop SANDERSON; Rev. MORGAN GODWYN, an episcopal clergyman, who wrote the first work ever undertaken expressly for this cause; RICHARD BAXTER, the celebrated divine published upon it; STELLE; the Poet THOMPSON; Rev. GRIFFITH HUGHES, another Episcopal clergyman; SHENSTONE, the Essayist and Poet; Dr. HUYTER, Bishop of Norwich; STERNE; Bishop WARBURTON, author of the Divine Legation, who preached a sermon before the Society for the Propagation of the Gospel, in 1766, in which he scouts the idea of man holding property in rational creatures.

The DISSENTERS of all names, especially the FRIENDS, distinguished themselves beyond all others, in their early interest in the cause, and their clear, earnest, and explicit disapprobation of it. Latterly, GRANVILLE SHARP, the Father of the more modern Abolitionists, appeared upon the stage. And to him belongs the distinguished honor of having brought about the glorious decision in the case of Somerset, which COWPER has rendered immortal in the noble lines:-- ‘Slaves cannot breathe in England: if their lungs receive our air, that moment they are free; they touch our country and their shackles fall.’

<sup>309</sup> *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1.

<sup>310</sup> John Wesley, *Thoughts Upon Slavery* (London, England: John Crukshank Publisher, 1778).

the Gospel in Foreign Parts in 1701. His legacy of prison reform and social justice was carried on by a distinguished group of persons called “Dr. Bray’s Associates,” which included amongst their group Governor James Oglethorpe, the founder of the colony of Georgia. Bray’s Associates put forth a sincere effort to spread the Christian faith throughout the British Empire. For example, historian W.E.B. Du Bois described both Governor Oglethorpe and the founding of Georgia as follows:

In Georgia we have an example of a community whose philanthropic founders sought to impose upon it a code of morals higher than the colonists wished. The settlers of Georgia were of even worse moral fibre than their slave-holding and whiskey-using neighbors in Carolina and Virginia; yet Oglethorpe and the London proprietors prohibited from the beginning both the rum and the slave traffic, refusing to ‘**suffer slavery (which is against the Gospel as well as the fundamental law of England)**’ to be authorized under our authority.’<sup>311</sup>

Georgia’s founding was an exemplification of the influence of “Bray’s Associates” as well as the authentic, orthodox Christian values which was clearly anti-slavery and truly reflected the foundation of the Christian faith and the Church of England.

This strain of sentiment on the Christian foundations of fundamental law was not lost after the United States was founded. For within the Presbyterian tradition, for instance, can be found an authentic and honest appraisal of the plain meaning of the Declaration of Independence and its natural extension to all mankind, including African slaves:

Yet some Presbyterians had also begun to espouse antislavery sentiments by the end of the 18th century. In a sermon defending America’s struggle for independence in 1776, Jacob Green, pastor of the Presbyterian Church in Hanover, New Jersey, asked:

Can it be believed that a people contending for liberty should, at the same time, be promoting and supporting slavery?

This inconsistency, he concluded, was “a crying sin in our land.” In 1787, at a time when many of the northern states had adopted laws to free slaves gradually, the Synod of New York and Philadelphia declared that it shared “the interest which many of the states have taken...[toward] the abolition of slavery.” In 1818, the

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311 W.E.B. Du Bois, “The Suppression of the African Slave Trade,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 15.

denomination's General Assembly (the successor to the Synod), adopted a resolution framed in bolder language:

We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; [and] as utterly inconsistent with the law of God.

The Assembly called on all Christians “as speedily as possible to efface this blot on our holy religion” and “to obtain the complete abolition of slavery throughout Christendom.” The **resolution passed unanimously**, and the committee that prepared it was chaired by Ashbel Green<sup>312</sup>—the son of Jacob Green, the president of the College of New Jersey, and president of the Board of Directors of Princeton Theological Seminary.<sup>313</sup>

The “MINUTES OF THE GENERAL ASSEMBLY of the Presbyterian Church in the United States of America From Its Organization A.D. 1818” state:

The General Assembly of the Presbyterian Church, having taken into consideration the subject of slavery, think proper to make known their sentiments upon it to the churches and people under their care.

We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; as utterly inconsistent with the law of God, which requires us to love our neighbor as ourselves, and as totally irreconcilable with the spirit and principles of the gospel of Christ, which enjoin that ‘all things whatsoever ye would that men should do to you, do ye even so to them.’ Slavery creates a paradox in the moral system; it exhibits rational, accountable, and immortal beings in such circumstances as scarcely to leave them the power of moral action. It exhibits them as dependent on the will of others, whether they shall receive religious instruction; whether they shall know and worship the true God; whether they shall enjoy the ordinances of the gospel; whether they shall perform the duties [sic] and cherish the endearments of husbands and wives, parents and children, neighbours and friends; whether they shall preserve their chastity and purity, or regard the dictates of justice and humanity. Such are some of the consequences of slavery--consequences not imaginary, but which connect themselves with its very existence. The evils to which the slave is always exposed often take place in fact, and in their

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312 Rev. Dr. Ashbel Green's (1762 – 1848) presided as moderator over the General Assembly that adopted its report on the relationship of slavery to the Presbyterian church, written for the 1818. “Born in Hanover Township, New Jersey, Green served as a sergeant of the New Jersey militia during the American Revolutionary War, and went on to study with Dr. John Witherspoon and graduate as valedictorian from the College of New Jersey, known since 1896 as Princeton University, in 1783. Green later became the third Chaplain of the United States House of Representatives from 1792 to 1800, the eighth President of Princeton University, from 1812 to 1822 (and highly unpopular, due to what many students saw as his heavy-handed leadership style), and the second President of the Bible Society at Philadelphia (now known as the Pennsylvania Bible Society) after having been one of its founding members in 1808. Green was elected a member of the American Philosophical Society in 1789 and the American Antiquarian Society in 1814.” “Ashbel Green,” Wikipedia (online encyclopedia) [https://en.wikipedia.org/wiki/Ashbel\\_Green](https://en.wikipedia.org/wiki/Ashbel_Green).

313 Ibid.

very worst degree and form; and where all of them do not take place, as we rejoice to say in many instances, through the influence of the principles of humanity and religion on the mind of masters, they do not- still the slave is deprived of his natural right, degraded as a human being, and exposed to the danger of passing into the hands of a master who may inflict upon him all the hardships and injuries which inhumanity and avarice may suggest.

From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their brethren of mankind-- for 'God had made of one blood all nations of men to dwell on the fact of the earth'-- it is manifestly the duty of all Christians who enjoy the light of the present day, when the inconsistency of slavery, both with the dictates of humanity and religion, has been demonstrated, and is generally seen and acknowledged, to use their honest, earnest, and unwearied endeavours, to correct the errors of former times, and as speedily as possible to efface this blot on our holy religion, and to obtain the complete abolition of slavery throughout Christendom, and if possible throughout the world.

We rejoice that the Church to which we belong commenced as early as any other in this country, the good work of endeavoring to put an end to slavery, and that in the same work many of its members have ever since been, and now are, among the most active, vigorous, and efficient labourers. We do, indeed, tenderly sympathize with those portions of our church and our country where the evil of slavery has been entailed upon them; where a great, and the most virtuous part of the community abhor slavery, and wish its extermination as sincerely as any others-- but where the number of slaves, their ignorance, and their vicious habits generally, render an immediate and universal emancipation inconsistent alike with the safety and happiness of the master and the slave. With those who are thus circumstanced, we repeat that we tenderly sympathize. At the same time, we earnestly exhort them to continue, and if possible to increase their exertions to effect a total abolition of slavery. We exhort them to suffer no greater delay to take place in this most interesting concern, than a regard to the public welfare truly and indispensably demands.

As our country has inflicted a most grievous injury on the unhappy Africans, by bringing them into slavery, we cannot indeed urge that we should add a second injury to the first, by emancipating them in such manner as that they will be likely to destroy themselves or others. But we do think, that our country ought to be governed in this matter by no other consideration than an honest and impartial regard to the happiness of the injured party, uninfluenced by the expense or inconvenience which such a regard may involve. We, therefore, warn all who belong to our denomination of Christians against unduly extending this plea of necessity; against making it a cover for the love and practice of slavery, or a pretense for not using efforts that are lawful and practicable to extinguish this evil....<sup>314</sup>

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314 Regarding the veracity or corroborating evidence of this 1818 statement of the Presbyterian General Assembly, see, also, Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995), pp. 419-424, stating:

More than twenty years of my life were consumed in a state of slavery. My childhood was envired by the baneful peculiarities of the slave system. I grew up to manhood in the presence of this hydra-headed monster-- not as a master-- not as an idle spectator-- not as the guest of the slaveholder-- but as A

Therefore, this postdoctoral study holds that it is disingenuous, intellectually dishonest, and historically inaccurate, to continuously impugn— as present-day secularists, atheists, and anti-Christian advocates do— the Christian religion itself as having inherently caused and encouraged the enslavement of Africans.<sup>315</sup>

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SLAVE.... In consideration of these facts, I feel that I have a right to speak, and to speak strongly. Yet, my friends, I feel bound to speak truly....

First of all, I will state, as well as I can, the legal and social relation of master and slave.... The law gives the master absolute power over the slave. He may work him, flog him, hire him out, sell him, and, in certain contingencies, kill him, with perfect impunity. The slave is a human being, divested of all rights-- reduced to the level of a brute-- a mere 'chattel' in the eye of the law-- placed beyond the circle of human brotherhood-- cut off from his kind-- his name, which the 'recording angel' may have enrolled in heaven, among the blest, is impiously inserted in a master's ledger, with horses, sheep, and swine. In law, the slave has no wife, no children, no country, and no home. He can own nothing, possess nothing, acquire nothing, but what must belong to another. To eat the fruit of his own toil, to clothe his person with the work of his own hands, is considered stealing....

There is a still deeper shade to be given to this picture. The physical cruelties are indeed sufficiently harassing and revolting; but they are as a few grains of sand on the sea shore, or a few drops of water in the great ocean, compared with the stupendous wrongs which it inflicts upon the mental, moral, and religious nature of its hapless victims.... The slave is a man, 'the image of God,' but 'a little lower than the angels;' possessing a soul, eternal and indestructible; capable of endless happiness, or immeasurable woe; a creature of hopes and fears, of affections and passions, of joys and sorrows, and he is endowed with those mysterious powers by which man soars above the things of time and sense, and grasps, with undying tenacity, the elevating and sublimely glorious idea of a God. It is such a being that is smitten and blasted. The first work of slavery is to mar and deface those characteristics of its victims which distinguish *men* from *things*, and *persons* from *property*. Its first aim is to destroy all sense of high moral and religious responsibility. It reduces man to a mere machine. It cuts him off from his Maker, it hides from him the laws of God, and leaves him to grope his way from time to eternity in the dark, under the arbitrary and despotic control of a frail, depraved, and sinful fellow-man.... It is, then, the first business of the enslaver of men to blunt, deaden, and destroy the central principle of human responsibility. Conscience is, to the individual soul, and to society, what the law of gravitation is to the universe. It holds society together; it is the basis of all trust and confidence; it is the pillar of all moral rectitude. Without it, suspicion would take the place of trust; vice would be more than a match for virtue; men would prey upon each other, like the wild beasts of the desert; and earth would become a hell....

While this nation is guilty of the enslavement of three millions of innocent men and women, it is as idle to think of having a sound and lasting peace, as it is to think there is no God to take cognizance of the affairs of men. There can be no peace to the wicked while slavery continues in the land. It will be condemned; and while it is condemned there will be agitation. Nature must cease to be nature; men must become monsters; humanity must be transformed; Christianity must be exterminated; all ideas of justice and the laws of eternal goodness must be utterly blotted out from the human soul,-- ere a system so foul and infernal can escape condemnation, or this guilty republic can have a sound, enduring peace.

<sup>315</sup> See, e.g., Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348 ("Antiquity could only have a very imperfect understanding of this effect of slavery on the production of wealth. Then **slavery existed throughout the whole civilized world**, only some barbarian peoples being without it. **Christianity destroyed slavery by insisting on the slave's rights**; nowadays it can be attacked from the master's point of view; in this respect interest and morality are in harmony.") Hence, this postdoctoral study directs us to two critical sources: the text of the Sacred Scriptures, which repeatedly critiqued the Old Testament Church for *succumbing* to sinful activities; and, secondly, to Augustine of Hippo's *The City of God*, which tacitly acknowledges that even within the organized visible churches can be found the *enemies* of Christ and the Gospels. See, generally, "Book I" in *The City of God*, supra. And the history of the Church of England demonstrates that both of these propositions— both the Old Testament's and Augustine's— explain what happened to many white Christians who held African slaves or profited from the African slave trade.

Nevertheless, despite the firm anti-slavery position of English law and the orthodox theological position of the Church of England, for nearly two hundred and fifty years, from 1562 until 1807, both Christians and the Church of England not only allowed slavery and the slave trade to develop and flourish, but they profited from both of these unlawful institutions. Thus, to paraphrase Augustine of Hippo's critique of the ancient Roman Republic in *The City of God*, Great Britain and its British merchants proceeded along the same path of ruthless empire-building, to wit:

**W.E.B. Du Bois' doctoral dissertation:  
*The Suppression of the African Slave Trade***

Quick Summary of the Rise of the English Slave Trade

- \* Sir John Hawkins celebrated voyage in 1562
- \* 1631 First Chartered Company to “undertake to carry on the trade” in slaves.
- \* Company of Royal Adventurers trading to Africa, chartered in 1662 by Charles II (to supply the West Indies with 3,000 slaves)
- \* 1672 Royal African Company, chartered by Charles II took over from the old company, “and carried on a growing trade for a quarter a century.”
- \* 1698 Parliamentary interference with the slave trade began Statute 9 and 10 William and Mary, declared the trade highly beneficial and advantageous to England
- \* English merchants sought to exclude other nations by securing a monopoly of the lucrative Spanish colonial slave-trade. Assiento in 1713, secured for 30 years a monopoly; England would supply 144,000 slaves, at the rate of 4,800 per year. Kings of Spain and England profited.
- \* Under the Assiento of 1713, the Royal African Company was allowed to import and sell “as many slaves as they wished above the specified number in the first twenty-five years.”
- \* English merchants imported about 15,000 slaves annually to the Americas, where from between 1/3 to 1/2 when to the Spanish colonies
- \* 1729-1750, Parliament assisted the Royal African Company “by annual grants” but this proved a failure, but in 1750 the Royal African Company went bankrupt.
- \* 1750 Statute 23 George II, Chapter 31, “Company of Merchants trading to Africa” was established. Any merchant could engage in the slave-trade for duties. The monopoly in the slave-trade was broken.
- \* Colonial governors in America asked not to lay duties upon the slave imports.
- \* “The exact proportions of the slave-trade to America can be but approximately determined. From 1680 to 1688 the African Company sent 249 ships to Africa, shipped there 60,783 Negro slaves, and after losing 14,387 on the middle passage, delivered 46,396 in America. The trade increased early in the eighteenth century, 104 ships clearing for Africa in 1701; it then dwindled until the signing of the Assiento, standing

at 74 clearances in 1724. The final dissolution of the monopoly in 1750 led— excepting in the years 1754-57, when the closing of Spanish marts sensibly affected the trade—to an extraordinary development, 192 clearances being made in 1771. The Revolutionary War nearly stopped the traffic; but by 1786 the clearances had risen again to 146.”

According to R. H. Tawney’s *Religion and the Rise of Capitalism*, the Church of England had always known that the African slave trade was unrighteous and unlawful, but that as England began to invest in global enterprises and sought out great riches through imperial expansion, the Church of England eventually turned a blind eye to this corrupt aspect of British mercantilism of the 16<sup>th</sup>- and 17<sup>th</sup>- centuries. This acrimonious development of England’s involvement in the transatlantic slave trade actually began in earnest during the reign of the House of Stuart (1603 – 1714). During this period, English merchants took control of Parliament and curtailed the privileged position of the Church of England within secular affairs. In 1713, King George I prorogued the Convocation of the Church of England, and this action signaled the decline and fall of “orthodox” English jurisprudence, ecclesiology, and theology. Something else took precedent within the Church of England: the interests of British mercantilism had to be accommodated.<sup>316</sup> And the Church of England’s leading priests and bishops— who were themselves divided along Tory and Whig party lines— were perpetually summoned by practical politicians such as Prime Minister Robert Walpole and the Whig Party in order to make those necessary accommodations.<sup>317</sup>

By the late 1600s, England was engulfed in world trade, mercantilism, and the building of a commercial empire. The political maneuvers of its commercial rivalries such as France and Holland, and the downfall of the Spanish Empire characterized the major issues of the age.

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<sup>316</sup> Jeremy Gregory, *The Oxford History of Anglicanism: Establishment and Empire, 1662 - 1829*, supra, pp. 31-48 (describing the vicious debates and even assaults between the Whig-leaning High Churchmen and the Tory-leaning High Churchmen within the Convocation of the Church of England, during the period 1670 through 1714.)

<sup>317</sup> Ibid. See, also, Goldwin Smith, *A History of England*, supra, p. 418-428 (describing the changing role of British commerce and religion in British life)(Ibid.,p.418, stating, “Country gentlemen ruled England in the interests of Empire, trade, and commerce. The Church of England held its privileged position and the squires and parsons continued their alliance.... Common sense became a new keynote of society.”)

Simultaneously, English merchants soon began to discredit the Church of England's role in commerce; and early during the seventeenth century, they coalesced their interests into a clamor for "freedom," that is to say, "economic freedom" and "individualism." Traditional Christian ideals about usury and business ethics soon gave way to unrestrained individualism:

With the expansion of finance and international trade in the sixteenth century, it was this problem which faced the Church. Granted that I should love my neighbor as myself, the questions which, under modern conditions of large-scale organization, remain for solution are, **Who precisely is my neighbor?** And, **How exactly am I to make my love for him effective in practice?** To these questions the conventional religious teaching supplied no answer, for it had not even realized that they could be put. It had tried to moralize economic relations by treating every transaction as a case of personal conduct, involving personal responsibility. In an age of impersonal finance, world-markets and a capitalist organization of industry, its traditional social doctrines had no specific to offer, and were merely repeated, when, in order to be effective, they should have been thought out again from the beginning and formulated in new and living terms. It had endeavored to protect the peasant and the craftsman against the oppression of the money-lender and the monopolist. Faced with the problems of a wage-earning proletariat, it could do no more than repeat, with meaningless iteration, its traditional lore as to the duties of master to servant and servant to master. **It had insisted that all men were brethren. But it did not occur to it to point out that, as a result of the new economic imperialism which was beginning to develop in the seventeenth century, the brethren of the English merchants were the Africans whom he kidnaped for slavery in America, or the American Indians whom he stripped of their lands, or the Indian craftsmen from whom he bought muslims and silks at starvation prices....** [T]he social doctrines advanced from the pulpit offered, in their traditional form, little guidance. Their practical ineffectiveness prepared the way for their theoretical abandonment.... **[T]he Church of England turned its face from the practical world, to pore over doctrines which, had their original authors been as impervious to realities as their later exponents, would never have been formulated.** Naturally it was shouldered aside. It was neglected because it had become negligible.<sup>318</sup>

In 1660, King Charles II ascended to the throne of the kingdom of England and recommenced the restoration of the Stuart monarchy, which recommenced the suppression of

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318 R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 135-136.

the English dissenters. But this new Stuart monarch also ushered in a watershed policy of English commercial expansion in America, Africa, and Asia. Under his leadership, the Royal African Company and the transatlantic slave trade became a huge and momentous operation. King Charles II and his Royal African Company committed the sinful deeds of transatlantic slavery and slave trade, under cover, outside of the plain view of English commoners, and the Church of England's senior leadership's acquiescence to these unscrupulous arrangements was tacit.

The Royal African Company (RAC) was an English mercantile (trading) company set up in 1660 by the royal Stuart family and City of London merchants to trade along the west coast of Africa. It was led by the Duke of York, who was the brother of Charles II and later took the throne as James II. It shipped more African slaves to the Americas than any other institution in the history of the Atlantic slave trade. It was established after Charles II gained the English throne in the Restoration of 1660. While its original purpose was to exploit the gold fields up the Gambia River, which were identified by Prince Rupert during the Interregnum, it soon developed and led a brutal and sustained slave trade. ...

In the 1680s the Company was transporting about 5,000 enslaved people a year to markets primarily in the Caribbean across the Atlantic. Many were branded with the letters 'DoY,' for its Governor, the Duke of York, who succeeded his brother on the throne in 1685, becoming King James II. Other slaves were branded with the company's initials, RAC, on their chests. Historian William Pettigrew has stated that this company 'shipped more enslaved African women, men and children to the Americas than any other single institution during the entire period of the transatlantic slave trade,' and that investors in the company were fully aware of its activities and intended to profit from this exploitation. ...

Between 1662 and 1731, the Company transported approximately 212,000 slaves, of whom 44,000 died en route, around 3,000 per year. By that time, they also transported slaves to English colonies in North America.<sup>319</sup>

For, indeed, it is within the context of "the slave trade and colonization" that the Church of England first made contact with, and influenced, "primarily coastal regions of West Africa, and to a more limited extent North Africa and southern Africa."<sup>320</sup> By the early 1700s, despite

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319 "The Royal African Company," Wikipedia (online encyclopedia)  
[https://en.wikipedia.org/wiki/Royal\\_African\\_Company](https://en.wikipedia.org/wiki/Royal_African_Company)

320 Jeremy Gregory, *The Oxford History of Anglicanism* (United Kingdom: Oxford Univ. Press, 2017)(Vol. II), p. 220.

the orthodox teachings of the Church of England, Great Britain was positioned to become the leading economic and political superpower of Europe. Colonialism, slavery, and slave-trade were at the heart of its international policy.

At the same time, the conscience of the world began to writhe. 'Modern slavery was created by Christians, it was continued by Christians, it was in some respects more barbarous than anything the world had yet seen, and its worst features were to be witnessed in countries that were most ostentatious in their parade of Christianity. It is this that provides the final and unanswerable indictment of the Christian Church.'....

While the British were fighting ostensibly for dynastic disputes in Europe, they were really, in the War of Spanish Succession and in the Seven Years' War, fighting for profit through world trade and especially the slave trade. In 1713 they gained, by the coveted Treaty of Asiento, the right to monopolize the slave trade from Africa to the Spanish colonies. In that century they beat Holland to her knees and started her economic decline. They overthrew the Portuguese in India, and finally, by the middle of the century, overcame their last rival in India, the French. In the eighteenth century they raised the slave trade to the greatest single body of trade on earth.

The Royal African Company transported an average of five thousand slaves a year between 1680 and 1686; but the newly rich middle-class merchants were clamoring for free trade in human flesh. Eventually the Royal African Company was powerless against the competition of free merchant traders, and a new organization was established in 1750 called the 'Company of Merchants trading to Africa.'

In the first nine years of this 'free trade,' Bristol alone shipped 160,950 Negroes to the sugar plantations. In 1760, 146 ships sailed from British ports to Africa with a capacity of 36,000 slaves. In 1771 there were 190 ships and 47,000 slaves. The British colonies between 1680 and 1786 imported over two million slaves. By the middle of the eighteenth century Bristol owned 237 slave trade vessels, London 147, and Liverpool, 89.

Liverpool's first slave vessel sailed for Africa in 1709. In 1730 it had 15 ships in the trade and in 1771, 105. The slave brought Liverpool in the late eighteenth century a clear profit of £300,000 a year. A fortunate slave trade voyage made a profit of £8,000, and even a poor cargo would make £5,000. It was not uncommon in Liverpool and Bristol for the slave traders to make 100 percent profit. The proportion of slave ships to the total shipping of England was one in one hundred in 1709 and one-third in 1771. The slave traders were strong in both the House of Lords and the House of Commons, and a British coin, the guinea, originated in the African trade of the eighteenth century.<sup>321</sup>

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321 W.E.B. Du Bois, *The World and Africa* (New York, N.Y.: International Publishers, 2015) pp. 53-55.

When the last Stuart monarchy came to an end in 1714, the English crown's most important high ministers were no longer the Archbishop of Canterbury, the Lord Chancellor, or the other senior bishops within the Church of England, but rather the most important high ministers were the secular offices of Prime Minister, the Chancellor of the Exchequer, and the Privy Council. These secular ministers typically belonged to one of the two major political parties— the Whigs and the Tories— in Parliament. And the primary objective or occupation of Parliament was commercial empire-building. And this empire-building was, of course, based upon a foundation of colonialism, mercantilism, and the transatlantic slave trade. Long periods of commercial wars, such as the War of the League of Augsburg (1689- 1697) and the War of the Spanish Succession (1701- 1713) were the awful and tragic costs.

Under these conditions, the Church of England suffered.<sup>322</sup> And as the eighteenth-century rolled on, the Church of England became somewhat callous, corrupt, and nonspiritual, thus leading to the great evangelical movements of the eighteenth century, including the First Great Awakening and the rise of the Methodist movement in England and North America.<sup>323</sup> In a word, materialism, commercialism, and global mercantilism destroyed the “orthodox” Christian faith—that is to say, the Augustinian “family—church—state” constitutional order.<sup>324</sup> This has been amply noted by many prominent historians, such as Professor Goldwin Smith, who reports:

Towards the middle of the eighteenth century Bishop Berkeley declared that morality and religion had collapsed ‘to a degree never known before in any Christian country.’ The anti-Puritan purges of the Cavalier years had driven over two thousand Puritan clergymen out of the Church of England. Under William III about four hundred Nonjuring divines had been expelled. When the devout Queen Anne came to the throne she tried to strengthen her beloved Anglican Church, so weakened and anemic.

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<sup>322</sup> Goldwin Smith, *A History of England*, supra, p. 450-452.

<sup>323</sup> *Ibid.*, pp. 453.

<sup>324</sup> *Ibid.*, pp.450-453.

Her first step was a financial one.... But more was needed than money. The Anglican Church contained many inferior men. Political patronage considerations impelled Whig governments to give bishoprics and deaneries to Whigs without regard for learning or piety. Tory governments gave them to Tories. Many ecclesiastical preferments went to the highest bidders, especially to the younger sons of nobles; such men were usually neither godly nor intelligent. Pluralism and sinecurism prevailed everywhere. The poorer positions were opened to individuals who were incapable of making better livings elsewhere. Nevertheless, many of the humbler clergy were pious and capable....

In 1717 the Whigs saw an opportunity to muffle the Tory High Churchmen and persuaded George I to prorogue convocation, the legislative body of the church and long the cockpit of clerical warfare. Convocation was not permitted to transact business until the middle of the nineteenth century. Bereft of competent pilots in an age of moral drifting the Church of England found her course uncharted.

Amidst public corruption and dim ideals venal primates and prelates arrogantly lived like princes; hard-drinking, fox hunting and pluralist parsons usurped the name of clerics. Why should Christianity interfere with the pleasures of the world?... Beneath the surface of early eighteenth century prosperity the springs of spiritual life were running dry....

There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voice were unheeded in the streets. In the churches of London Sir William Blackstone did not hear 'a single discourse which had more Christianity in it than the writings of Cicero.' Bishop Watson saw 'the generality of the bishops polluting Gospel humility with the pride of the prelacy.' Later in the century William Pitt, earl of Chatham, rose to defend the Dissenting ministers. 'Their ambition is to keep close to the college of fishermen, not of cardinals; and to the doctrine of inspired apostles, not to the decrees of interested and aspiring bishops.'

The cumulative effect of the expulsion of the Puritan and Nonjuring clergy, the suppression of convocation, and the political rise of the church as a reservoir of patronage was an unprecedented degree of spiritual decadence. The church-dominated and decaying universities were seldom concerned with scholarship.... For some time, as described earlier..., there had also been growing a widely diffused, indolent scepticism through the upper classes. Many who were willing that faith should perish wanted the Church of England to survive because it helped to keep the lower classes subservient to the governing aristocracy. The origin of much scepticism about the truth of Christianity was in deism. The deists denied the supernatural in religion and insisted that revelation was contrary to reason.... 'Natural religion' sometimes moved on a high level of argument, as in Matthew Tindal's *Christianity as Old as the Creation*. Usually, however, the "reason" invoked was a weak weapon. The clergy gave hundreds of answers to the deists. So far as logic and argument were concerned the divines won easily. Against such clerical antagonists as Bishop Butler, the deists seemed as children, dabblers in ideas, innocent of speculative ability. [But] [i]n all this controversy about natural and revealed religion the clerics made no appeal to the hearts of men... The Church of England continued to fight with intellectual arguments about such things as moderation, compromise, rational progress, and common sense.... There was no appeal to the emotions. The masses

found small comfort in polished and reasoned equations proved from the pulpit. ‘Stomach well alive, soul extinct’ was the later verdict of Thomas Carlyle.<sup>325</sup>

Accordingly, this postdoctoral study notes that this decadent Church of England, which was then captive to British mercantilism, authorized and participated in African slavery and the transatlantic slave trade.<sup>326</sup>

It is appropriate at this juncture in our discussion to briefly digress and to state that by the end of the 17th-century and throughout the 18th century, the entire Christian world—especially the Roman Catholics and the Anglicans— already *knew and understood* that “Christianity had deep roots on the African continent, as seen in the key roles of North Africa in early Christianity, or the ongoing vibrancy of the Coptic and Ethiopian Churches,”<sup>327</sup> and that, by the 15<sup>th</sup> century, the entire Christian world was sufficiently familiar with eminent Christian men of African descent, so as to know and understand the fundamental premise and truth of Acts 17:26, and the race-based enslavement of innocent Africans was an affront to the Christian religion. As previously mentioned, Lord Mansfield’s holding in the famous *Somerset* case (1772) clearly exposed British hypocrisy, self-deception, and lying about the subject matter of African slavery, to wit:

*Somerset v Stewart* (1772) 98 ER 499 (also known as *Somerset's case*, v. XX *Sommersett v Steuart* and the *Mansfield Judgment*) is a judgment of the English Court of King's Bench in 1772, relating to the right of an enslaved person on English soil not to be forcibly removed from the country and sent to Jamaica for sale. Lord Mansfield decided that:

**The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasions, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but**

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<sup>325</sup> Goldwin Smith, *A History of England*, supra, pp. 451-452.

<sup>326</sup> Ibid.

<sup>327</sup> Jeremy Gregory, *The Oxford History of Anglicanism* (United Kingdom: Oxford Univ. Press, 2017)(Vol. II), p. 220. In addition, Dr. Vince Bantu of the Meachum School of Haymanot (<https://meachum.org/>) presents an interesting apologetic which hold that in 451 A.D., the Council of Chalcedon may have created a political, cultural, and racial division within the universal Church, such that racial bias within Western Christianity ensured despite history and the plain text of the Scripture.

positive law. Whatever inconveniences, therefore, may follow from the decision, **I cannot say this case is allowed or approved by the law of England;** and therefore the black must be discharged.

The *Somerset* case declared that slavery had never been authorized by statute within England and Wales, and Lord Mansfield found it also to be unsupported within England by the common law, although he made no comment on the position in the overseas territories of the British Empire.<sup>328</sup>

Similarly, Rev. John Wesley's "orthodox" Anglicanism, as set forth in *Thoughts Upon Slavery* (1774), clearly exposed British hypocrisy, self-deception, and lying, stating: "[S]lavery was nearly extinct, till the commencement of the fifteenth century, when the discovery of America, and of the western and eastern coasts of Africa, gave occasion to the revival of it."<sup>329</sup>

After the kingdom of England and the kingdom of Scotland formed the kingdom of Great Britain in 1707, the Scottish-Presbyterians merged forces with their English brethren and bore equal guilt and responsibility for African slavery and the transatlantic slave trade. Although the General Assembly of the Presbyterian Church in the United States issued its 1818 Proclamation which plainly condemned slavery and acknowledged the Fatherhood of God and the Brotherhood of man that is contained within the Acts 17:26, the previous century of Presbyterian involvement in the development of British global capitalism, which included both slavery and the slave trade, was *great cause for concern*.<sup>330</sup> Notably, the Presbyterians had supported the Whigs in Parliament; they supported British mercantilism and imperial

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328 "Somerset v. Stewart," Wikipedia Encyclopedia (Online): [https://en.wikipedia.org/wiki/Somerset\\_v\\_Stewart](https://en.wikipedia.org/wiki/Somerset_v_Stewart)

329 John Wesley, *Thoughts Upon Slavery* (London, England: John Crukshank Publisher, 1778), p. 4.

330 See, e.g., Richard Niebuhr, "Theology and Political Thought in the Western World," *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 498-499. ("Despite the differences between the Calvinist and the Jeffersonian versions of the Christian faith, they arrived at remarkably similar conclusions, upon this as upon other issues of life. For Jefferson the favorable economic circumstances of the New Continent were the explicit purpose of the providential decree. It was from those circumstances that the virtues of the new community were to be derived. For the early Puritans the physical circumstances of life were not of basic importance. Prosperity was not, according to the Puritan creed, a primary proof or fruit of virtue.... But three elements in the situation of which two were derived from the creed and the third from the environment gradually changed the Puritan attitude toward expanding opportunities of American life.") See, also, **Appendix D**, "Of Thomas Jefferson and the Jeffersonians."

expansion;<sup>331</sup> republican-presbyterian civil polity and ecclesiastical government; weakening of the British monarchy and the Church of England; and religious freedom for religious Dissenters.

Thus the 'Broad Church' groups in fact shaded into the organized and formidable Presbyterians, spiritually the Calvinist sons of Geneva. To the merchants and businessmen the Calvinist Presbyterian appeal was usually greater than all the others. The mercantile and financial classes had acquired wealth. Now, as explained above, they were seeking other kinds of power in the church and state. Calvinism had widespread non-Calvinist but anti-Catholic support. Moreover, Calvinism showed its adherents that they had been chosen by God; their legitimate business enterprises would not be restricted by religious considerations. Did not the Scripture say that a man diligent in his business would stand before kings and not mean men? As religion moved with the rise of capitalism the race would be to the swift and the battle to the strong. Geneva, like Rome, gave categorical answers to every question; there was no denial or doubt among the prosperous elect. So the Presbyterians grew in number and strength.<sup>332</sup>

In a word, during the late 17th- and early 18th-centuries, the Presbyterians were slave holders and profited from the transatlantic African slave trade.<sup>333</sup> Like the Anglicans of that period,

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<sup>331</sup> See, e.g., Rowan Strong, *Anglicanism and the British Empire, c. 1700 – 1850* (Oxford, United Kingdom: Oxford Univ. Press, 2007). The official book review states:

This book demonstrates that British imperialism was integrally connected to British religion. Using published sources, the book identifies the construction, development, and ingredients of a public Anglican discourse of the British Empire between 1700 and c.1850. It argues that the Church of England exhibited an official and conscious Anglican concern for empire and for missions by the Church of England, from the foundation of the Society for the Propagation of the Gospel in Foreign Parts in 1701. Much of that earlier 18th century understanding went on to shape later Anglican Evangelical imperial attitudes in the Church Missionary Society founded in 1799. In this Anglican engagement with the British Empire, a public theological discourse of empire was formed and promulgated. This religious public discourse of empire was developed in an imperial partnership with the state. It was formulated in the Anglican engagement with the North American colonies in the 18th century; it underwent a revival of the church-state partnership in the period between 1790 and 1830, as witnessed in Bengal; and it was fundamentally transformed in a new paradigm of imperial engagement in the 1840s, which was implemented in the colonies of Australia and New Zealand. Both the old and the new imperial Anglican paradigms developed a religious and theological imperial discourse that constructed the identities for various colonized peoples and British colonists, as well as contributing to English-British identity between 1700 and 1850. It was a Christian lens that proved remarkably consistent and enduring for both the old and the new British Empires.

<sup>332</sup> Goldwin Smith, *A History of England*, supra, p. 287.

<sup>333</sup> See, generally, James Morehead, "Presbyterians and Slavery," *Princeton and Slavery* (<https://princeton.slavery.edu>), stating:

Non-clergy participated in American slavery and the slave trade to a greater extent than church leaders such as Makemie and Davies. **Scots and Scots-Irish laypeople played a disproportionately large role as traders, managers, or owners in the plantation system.** It is perhaps noteworthy that two slaveholding U.S. Presidents nurtured in the Scots-Irish tradition—Andrew Jackson and James K. Polk—

the Presbyterian church was divided between those persons who truly lived pious lives and those who did not; some of them were anti-slavery activists and some were slave holders.<sup>334</sup> When the founding principles of the American republic were being laid during the 1770s, the Presbyterians early acknowledged that there was a marked inconsistency between slave holding, the Christian religion, and the “neo-orthodox Calvinistic” principles set forth in the American Declaration of Independence (1776).

But it is clear that the great lesson for Christians is that this ecclesiastical history clearly demonstrates that economic motives and the spirit of capitalism are powerful and deadly destructive to the Christian churches that were without a clear acknowledgment of their potency and powers of temptation. For instance, while it is certainly true that there were many pious Christians who detested African slavery and the slave trade, and recognized that both were contrary to Scripture, the law of reason, and the laws of Nature, the plain historical evidence

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pursued policies in the 19th century that greatly increased the territory available for the expansion of slavery....

Yet some Presbyterians had also begun to espouse antislavery sentiments by the end of the 18th century. In a sermon defending America’s struggle for independence in 1776, Jacob Green, pastor of the Presbyterian Church in Hanover, New Jersey, asked:

*Can it be believed that a people contending for liberty should, at the same time, be promoting and supporting slavery?*

This inconsistency, he concluded, was “a crying sin in our land.” In 1787, at a time when many of the northern states had adopted laws to free slaves gradually, the Synod of New York and Philadelphia declared that it shared “the interest which many of the states have taken...[toward] the abolition of slavery.” In 1818, the denomination’s General Assembly (the successor to the Synod), adopted a resolution framed in bolder language:

*We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; [and] as utterly inconsistent with the law of God.*

The Assembly called on all Christians “as speedily as possible to efface this blot on our holy religion” and “to obtain the complete abolition of slavery throughout Christendom.” The resolution passed unanimously, and the committee that prepared it was chaired by Ashbel Green—the son of Jacob Green, the president of the College of New Jersey, and president of the Board of Directors of Princeton Theological Seminary.

334 Ibid.

demonstrates that the power of economic temptation proved too great to be overcome with simply logic and argument alone. On this very point, W. E. B. Du Bois wrote:

Meantime there was slowly arising a significant divergence of opinion on the subject. Probably the whole country still regarded both slavery and the slave-trade as temporary; but the Middle States expected to see the abolition of both within a generation, while the South scarcely thought it probable to prohibit even the slave-trade in that short time. Such a difference might, in all probability, have been satisfactorily adjusted, if both parties had recognized the real gravity of the matter. As it was, both regarded it as a problem of secondary importance, to be solved after many other more pressing ones had been disposed of. The anti-slavery men had seen slavery die in their own communities, and expected it to die the same way in others, with as little active effort on their own part. The Southern planters, born and reared in a slave system, thought that some day the system might change, and possibly disappear; **but active effort to this end on their part was ever farthest from their thoughts.** Here, then, began that fatal policy toward slavery and the slave-trade that characterized the nation for three-quarters of a century, the policy of *laissez-faire, laissez-passer*.<sup>335</sup>

For this reason, this postdoctoral study concludes that just as the Christian churches, as an institution, needed to do much more to refute and abate the economic motives for the emerging Slave Power during the late 18th-century, they need to do much more even today to abate similar evils.

Indeed, the American Declaration of Independence (1776) was forged in the fire of revolutionary thoughts upon the rights of the common man; and, naturally, the questions of slavery and the transatlantic African trade proved to be a formidable challenge to the delegates to convention which drafted that Declaration. Historian W. E. B. Du Bois' *Suppression of the African Slave-Trade*, thus explained:

The Declaration of Independence showed a significant drift of public opinion from the firm stand taken in the 'Association' resolutions. The clique of political philosophers to which Jefferson belonged never imagined the continued existence of the country with slavery. It is well known that the first draft of the Declaration contained a severe arraignment of Great Britain as the real promoter of slavery and the slave-trade in America. In it the king was charged with waging 'cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is

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335 W.E.B. DuBois, *The Suppression of the African Slave Trade* (New York, N.Y.: The Library of America, 1986), pp. 55-56.

the warfare of the *Christian* king of Great Britain. Determined to keep open a market where *men* should be bought and sold, he has prostituted his negative for suppressing every legitimate attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he had deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the *liberties* of one people with crimes which he urges them to commit against the *lives* of another.’

To this radical and not strictly truthful statement, even the large influence of the Virginia leaders could not gain the assent of the delegates in Congress. The afflatus of 1774 was rapidly subsiding, and changing economic conditions had already led many to look forward to a day when the slave-trade could successfully be reopened. More important than this, the nation as a whole was even less inclined now than in 1774 to denounce the slave-trade uncompromisingly. Jefferson himself says that the clause ‘was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our northern brethren also, I believe,’ said he, ‘felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others.’<sup>336</sup>

Indeed, the typical delegate to the United States Constitutional Convention of 1787 was a Christian, a lawyer or plantation owner, and a slave owner. It has been argued that these delegates to the Convention of ‘87 compromised the principles of the Declaration of ‘76, by tolerating the institution of American slavery and permitting the slave trade to extend from 1787 to 1808.

United States Constitutional Convention of 1787						
Name	State	Occupation	College	Religion	Owned Slaves	Supported the 3/5 Compromise
Oliver Ellsworth	CT	Lawyer	Yale/ Princeton	Congregationalist	No	Yes
William S. Johnson	CT	Lawyer	Yale/ Harvard	Anglican	Yes	Yes
Roger Sherman	CT	Lawyer/ Merchant		Congregationalist	No	Yes
Richard	DE	Lawyer		Methodist	Yes	Yes

<sup>336</sup> W. E. B. Du Bois, “The Suppression of the African Slave Trade,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 54.

Bassett					* but freed them after converting to Methodism	
Jacob Broom	DE	Surveyor/ Farmer/ General Business		Anglican	Yes	Yes
John Dickenson	DE	Lawyer	Middle Temple Inn of Court (London)	Congregationalist/ Quaker	Yes	Yes
George Read	DE	Lawyer		Anglican	Yes	Yes
Abraham Baldwin	GA	Minister	Yale	Congregationalist	Yes	Yes
William Few	GA	Farmer/ Business/ General Business	Inner Temple- Inn of Court (London)	Anglican	No	Yes
William L. Pierce	GA	Planter	College William & Mary	Anglican	No	Yes
Daniel Carroll	MD	Planter	College of St. Omer (France)	Roman Catholic	Yes	Yes
Daniel of St. Thomas Jenifer	MD	Magistrate/ Planter		Anglican	Yes	Yes
Luther Martin	MD	Lawyer	Princeton	Anglican	Yes	Yes
James McHenry	MD	Physician		Presbyterian	Yes	Yes
John F. Mercer	MD	Lawyer	College of William & Mary	Anglican	Yes	Yes
Elbridge Gerry	MA	Merchant	Harvard	Anglican	No	No
Nathaniel	MA	Merchant		Congregationalist	No	Yes

Gorham						
Rufus King	MA	Lawyer	Harvard	Anglican	No	Yes
Caleb Strong	MA	Lawyer	Harvard	Congregationalist	No	Yes
Nicholas Gilman	NH	Lawyer/ Merchant		Congregationalist	No	Yes
John Langdon	NH	Merchant		Congregationalist	No	Yes
David Brearly	NJ	Lawyer	Princeton	Anglican	No	Yes
Jonathan Dayton	NJ	Lawyer	Princeton	Presbyterian/ Anglican	Yes	Yes
William C. Houston	NJ	Lawyer	Princeton	Presbyterian	Yes	Yes
William Paterson	NJ	Lawyer/ Justice	Princeton	Presbyterian	Yes	Yes
Alexander Hamilton	NY	Lawyer	Columbia	Anglican	No	Yes
John Lansing, Jr.	NY	Lawyer		Dutch Reformed	Yes	Yes
Robert Yates	NY	Lawyer		Dutch Reformed	Yes	Yes
William Blount	NC	Farmer		Presbyterian/ Anglican	Yes	Yes
William R. Davie	NC	Lawyer	Princeton	Presbyterian	Yes	Yes
Alexander Martin	NC	Merchant	Princeton	Presbyterian	Yes	Yes
Richard Dobbs Spaight	NC		Glasgow University (Scotland)	Anglican	Yes	Yes
Hugh Williamson	NC	Physician/ Merchant/ Educator	Penn	Presbyterian	No	Yes
George Clymer	PA	Merchant		Anglican/ Quaker	No	Yes
Thomas Fitzsimons	PA	Merchant		Roman Catholic	No	Yes

Benjamin Franklin	PA	Scientist/ Publisher/ Inventor			Yes	Yes
Jared Ingersoll	PA	Lawyer	Yale	Presbyterian	No	Yes
Thomas Mifflin	PA	Merchant	Penn	Lutheran/ Quaker	No	Yes
Gouverneur Morris	PA	Lawyer	Columbia	Anglican	No	Yes
Robert Morris	PA	Merchant		Anglican	Yes	Yes
James Wilson	PA	Lawyer/ Justice on U.S. Supreme Court	Univ. of St. Andrews (Scotland)	Presbyterian/ Anglican	No	Yes
Pierce Butler	SC	Soldier		Anglican	Yes	Yes
Charles Pinckney	SC	Lawyer		Anglican	Yes	Yes
Charles Cotesworth Pinckney	SC	Lawyer	Oxford	Anglican	Yes	Yes
John Rutledge	SC	Lawyer/ Planter/ Justice on U.S. Supreme Court	Middle Temple- Inn of Court (London)	Anglican	Yes	Yes
John Blair	VA	Lawyer	College of William and Mary	Presbyterian/ Anglican	Yes	Yes
James Madison	VA	Lawyer/ Planter	Princeton	Anglican	Yes	Yes
George Mason	VA	Planter		Anglican	Yes	Yes
Edmond J. Randolph	VA	Lawyer	College of William and Mary	Anglican	Yes	Yes
George Washington	VA	Planter/ Surveyor		Anglican	Yes	Yes
George Wythe	VA	Lawyer	College of William and Mary	Anglican	Yes	Yes

Thus, *most* of the delegates to the Constitutional Convention who ratified the United States Constitution in 1787 were *slave-owners*, and all them, except perhaps two, were associated with a major Christian denomination.

<b>U. S. Constitution (1787)</b>	
<b>Religious Affiliation of the Delegates at the Convention</b>	
23 Anglicans	
7 Congregational	
11 Presbyterian	
1 Methodist	
2 Roman Catholic	
2 Dutch Reformed	
2 Unknown	
<hr/>	
51 Total	
* Only 19 of these Delegates did not own slaves.	

Wherefore, we bring this discussion to a close by acknowledging three important constitutional facts which must be of great interests to the Christian faithful:

Firstly, the “neo-orthodox” Calvinism<sup>337</sup> and the “neo-orthodox” latitudinarian Anglicanism which produced the “neo-orthodox” Christian constitutional documents called American Declaration of Independence (1776) and the United States Constitution (1787) have been, from the beginning, challenged and confronted with a very powerful economic motive—namely, *predatory capitalism* and *profiteering* from, inter alia, African slavery and the transatlantic slave trade.

Secondly, in a certain sense, American predatory capitalism still poses a mortal danger to the Augustinian neo-orthodoxy that is, as previously explained, at the constitutional foundation of the American republic. This is amply demonstrated throughout American

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<sup>337</sup> “Orthodoxy” pertains to the establishment of churches and state regulation and funding of established churches. “Neo-Orthodoxy” refers to the separation of church functions from the state functions, while acknowledging that both the church and the state remain subordinated to God (i.e., Higher Law, the laws of nature, the laws of reason, general equity, etc.)

history which has largely been dominated by this one question: **whether the neo-orthodox Christian principles of “Life, Liberty, and the Pursuit of Happiness” should be applied to the African slaves and their descendants.**<sup>338</sup> Many powerful Americans have since answered that question in the negative.<sup>339</sup> And given the current moral, spiritual,

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338 See, e.g., Abraham Lincoln, “First Lincoln-Douglas Debate,” Ottawa, Illinois (August 21, 1858), stating:

Now, gentlemen, I don't want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it, and anything that argues me into his idea of perfect social and political equality with the negro, is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut horse. [Laughter.] I will say here, while upon this subject, that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said anything to the contrary, but **I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness.** [Loud cheers.] I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man. [Great applause.]

339 Whether the sacred and natural religion within the American Declaration of Independence (1776) applied to African Americans became an urgent constitutional question and presented a national crisis during the 19<sup>th</sup> century. Chief Justice Roger B. Taney, while writing his majority opinion on behalf of the United States Supreme Court, held in the case of *Dred Scott v. Sandford* 60 U.S. 393, 409 - 410 (1857) that it did not.

The question is simply this: can a negro whose ancestors were imported into this country and sold as slaves become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen, one of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution?

The words ‘people of the United States’ and ‘citizens’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty and who hold the power and conduct the Government through their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

The language of the Declaration of Independence is equally conclusive:

It begins by declaring that, ‘[w]hen in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to the separation.’

It then proceeds to say:

economic, and political condition of the American republic, some persons may justifiably conclude that secularism and the spirit of capitalism have thoroughly and irretrievably undermined the neo-orthodox Calvinism which laid the constitutional foundations of the American republic.

And, finally, in the Augustinian tradition, it is the stern duty of the Christian churches to preach the Gospel and to teach the nations about divine Providence, the eternal laws of Nature, general equity (i.e., social justice), political science, constitutional law, and peace-building. It is the stern duty of individual Christians to exemplify righteousness and holiness, and to lead others to follow suit. It is the function and duty of Christian leaders, bishops, lawyers, and judges to guide the body politic by example and through righteous words and virtuous deeds. Indeed, this is what, in part, the churches of Jesus Christ have been commissioned to do.

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‘We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them is life, liberty, and the pursuit of happiness; that to secure these rights, Governments are instituted, deriving their just powers from the consent of the governed.’

The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. **But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration, for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted,** and instead of the sympathy of mankind to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation.

## Chapter Eight

### “A Final Word: A Prophetic Witness on Christian Economics”

Since economics is so predominant in modern life, the churches of Jesus Christ must address the politics of economics, finance, and the unequal distribution of wealth, if they are going to begin to get serious about their biblical obligation “to do justice and judgment” (Genesis 18: 18-19) in this world. Today, the science of economics and its pragmatic application needs to be construed through the lens of prophetic Christian witness, and re-adjusted and re-distributed as a form of supplementary truth to the Powers of this world, now more than ever.

If, for instance, Karl Marx and the present-day Marxist economists are wrong about dialectical materialism, the collusion of organized religion with the predatory capitalists, and the inevitability of class struggle, then how should Christian prophetic witness confront the Marxists and, through Christian love,<sup>340</sup> demonstrate their errors and point them towards a more productive pathway?

If Adam Smith and the laissez-faire or free-market economists are wrong about the corrective power of an invisible hand within the market system, consumer sovereignty, and the laws of supply and demand meeting most vital needs of humanity, then how should Christian prophetic witness confront these capitalists and, through Christian love,<sup>341</sup> demonstrate their errors and point them towards a more productive pathway?

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340 Matthew 7: 12 (“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”); Matthew 22:37-40 (“Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.”); James 2:8 (“If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well”); Romans 10:17-18 (Here, the universal moral law means the two-fold duty to honor or obey God and love neighbor); See, also, Robert F. Cochran and Zachary R. Calo, *Agape, Justice and Law: How might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017). See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill’s essay on *Utilitarianism*, as stating: “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”)

341 Ibid.

For one thing, the churches of Jesus Christ must deconstruct and honestly confront the doctrine of “secularism” and the doctrine of the “separation of church and state,” because to embrace those doctrines as they are currently taught in graduate and law schools, and enunciated from the courts of this land, is to embrace a form of Christian heresy and religious fatalism which says that mankind has no independent will to choose between Good and Evil and has been invested with no dominion over the earth.<sup>342</sup> Those who hold office in the government are therefore entrusted to choose between Good and Evil. And whenever, if ever, they choose Evil, is it not the Christian prophetic duty of the churches of Jesus Christ to petition and to implore those earthly civil magistrates to cease from doing Evil and to cleave to doing that which is Good? Or must the churches of Jesus Christ resolve to do nothing and say nothing about economic injustice and permit the secular humanists to preempt this field? When does being the “salt of the earth” lose its saltiness and, thereby, become worthless? Or why place a bucket over a lit candle stick, whose purpose is to give light to everyone in a room?

Here I take issue with certain Christian sects which adjudge the civil polity, the civil magistrates, the bankers, the financiers, the captains of industry, the university departments of commerce and industry, etc., as being “worldly,” “sinful,” and “evil,” and thus beyond the domain of concern and ministry of the churches of Jesus Christ. For it is certain that the Western Church and the Papacy never took this “hands-off” approach or gave the Sacred Scriptures this restricted interpretation.<sup>343</sup> As in Judaism, “[l]ife under Torah still was ‘one fused whole.’”<sup>344</sup> For it was the Roman Catholic Schoolmen (i.e., the Scholastics), led by St.

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<sup>342</sup> Saint Augustine, *Confessions*, supra, pp. 248 – 249 (“This is why the statement in the plural, ‘Let us make man,’ is also connected with the statement in the singular, ‘and god made man. Thus it is said in the plural, ‘after our likeness,’ and then in the singular, ‘after the image of God.’ Man is thus transformed into the knowledge of God, according to the image of him who created him. And now, having been made spiritual, he judges all things—that is, all things that are appropriate to be judged... Now this phrase, **‘he judges all things,’** means that man has dominion over the fish of the sea, and over the fowl of the air, and over all cattle and wild beasts, and over the earth, and over every creeping thing that creeps on the earth. And he does this by the power of reason in his mind....”)

<sup>343</sup> Thomas E. Woods, Jr., *How The Catholic Church Built Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 155-156, 168.

<sup>344</sup> Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), p. 45.

Thomas Aquinas (1225-1274), Jean Buridan (1300-1358), Nicolas Orseme (1325-1382), Cardinal Thomas de Vio (1468-1534), Martin de Azpilcueta (1493-1586), Cardinal Juan de Lugo (1583-1660), Leonardus Lessius (1554-1623), Juan de Lugo (1583-1660), who laid the foundations of the science of economics,<sup>345</sup> while at the same time infusing within this discipline the “moral law” of Christ.<sup>346</sup> This Catholic Christian jurisdiction over the science of economics both predated and occurred simultaneously with the Protestant Reformation. Following the Protestant Reformation in northern and western Europe, the national churches did not jettison their jurisdiction over economics, but naturally the Medieval conception of the “law of Christ” reigning supreme over economics lost its potency. Nevertheless, at least in England, much of economic philosophy still had to do with ethical considerations and with attaining a better understanding of how to develop, to promote, and to preserve social prosperity— as the Utilitarians would say, “the greatest good for the greatest number of people.” To that end, the utilitarian John Stuart Mill has admitted that “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”<sup>347</sup> I concur with Mill’s moral sentiment, because it explains fully the objective of Christian economics and of the role of the churches of Jesus Christ in advocating for a more sane and just provision of resources.

In his *Confessions*, Augustine of Hippo described a constitutional order and (or) a hierarchy of law, as follows:

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<sup>345</sup> Ibid.

<sup>346</sup> R. H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), p. 42 (“The formal theory of the just price went, it is true, through a considerable development. The dominant conception of Aquinas—that prices, though they will vary with the varying conditions of different markets, should correspond with the labor and costs of the producer, as the proper basis of the *communis estimatio*, conformity with which was the safeguard against extortion—was qualified by subsequent writers.”)

<sup>347</sup> John Stuart Mill, “Utilitarianism,” *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), p. \_\_\_\_.

[W]hen God commands anything contrary to the customs or compacts of any nation, even though it were never done by them before, it is to be done; and if it has been interrupted, it is to be restored; and if it has never been established, it is to be established. For it is lawful for a king, in the state over which he reigns, to command that which neither he himself nor anyone before him had commanded. And if it cannot be held to be inimical to the public interest to obey him— and, in truth, it would be inimical if he were not obeyed, since obedience to princes is a general compact of human society— how much more, then, ought we unhesitatingly to obey God, the governor of all his creatures! For, just as among the authorities in human society, the greater authority is obeyed before the lesser, so also must God be above all.<sup>348</sup>

Implicit here is the same the injunction that is within the Book of Acts, namely, that “[w]e ought to obey God rather than men.”<sup>349</sup> Otherwise, as stated in Peter’s Epistle<sup>350</sup> and in Paul’s Epistle to the Romans,<sup>351</sup> we ought to obey the civil powers (i.e., human laws, civil magistrates, etc.) because these have been ordained by God to punish evil doers and to promote good works. It is precisely for this reason that the Apostle Paul calls the civil magistrate “the minister of God” and “God’s minister.”<sup>352</sup> Otherwise, the implication of the civil magistrate failing to consider himself as “God’s minister,” and (or) the implication of the private citizen failing to obey the civil magistrate, is that such failures may ultimately lead to the collapse of the civil polity.<sup>353</sup> As the

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<sup>348</sup> St. Augustine, *Confessions*, supra, p. 36.

<sup>349</sup> Acts 5: 29.

<sup>350</sup> 1 Peter 2:13-14 (“Submit yourselves to every ordinance of man for the Lord’s sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him **for the punishment of evildoers**, and **for the praise of them that do well.**”) unto governors, as unto them that are sent by him unto governors, as unto them that are sent by him

<sup>351</sup> Romans 10: 1- 6 (“Let every soul be subject unto the higher powers. For **there is no power but of God: the powers that be are ordained of God.** Whoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For **rulers are not a terror to good works**, but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same: for **he is the minister of God to thee for good.** But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: **for they are God’s ministers**, attending continually upon this very thing.”)

<sup>352</sup> Romans 13:4-6.

<sup>353</sup> Galatians 5:15 (“For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbor as thyself. **But if ye bite and devour one another, take heed that ye be not consumed one of another**”). Indeed, civil polity, and civilization, could not exist without *agape*. See, also, Wilfred Parsons, “Lest Men, Like Fishes” *Traditio*, Vol. 3 (1945), pp. 380 – 388. (JSTOR: Univ. of Cambridge Press), stating:

United States has become more and more “post-Christian,” the real potential for this collapse becomes more readily apparent.

### **On the Doctrine of Separation of Church and State**

The Great Commission of Jesus Christ to the churches<sup>354</sup> together with the teachings in the Westminster Confession of 1647, Chapter 31, “Of Synods and Councils” demonstrate the need for church-state relations and why interface between them are indispensable and may not always be harmonious and amicable— thus necessitating the political nature of churches. Notwithstanding Thomas Jefferson’s own personal opinion and personal preferences to the contrary,<sup>355</sup> the constitutional doctrine called the “Separation of Church and State” has not created a complete wall of separation between those two institutions. In England, and within the context of British constitutional law, the British government and the established Church of

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In the second century, A.D. (c. 177), the Christian philosopher and apologist, Athenagoras, inveighing against the pagans for immoralities forbidden by their own codes, incorporated in his harangue an expression which was to have a long and interesting history in Christian literature. These are his words:

These adulterers and pederasts defame the eunuchs and the once-married, while they themselves live like fishes; for these swallow up whatever falls in their way, and the stronger pursues the weaker. Indeed, this is to feed on human flesh, to do violence to the very laws which you and your ancestors, with due care for all that is fair and right, have enacted.

In that same century (c. 180), we find St. Irenaeus using the same expression, though in a different context. He is proving that political government does not come from the devil, as some contemporary Christian anarchists apparently held, but from God:

Therefore the earthly kingdom was set up by God for the help of the gentiles (not by the devil, who is never quiet, and who does not want the nations to live in quiet), so that, fearing the human kingdom, men shall not devour one another like the fishes, but by the making of laws may strike down the manifold injustice of the gentiles.

These two passages, using the same proverbial expression about the fishes devouring one another, illustrate two traditions—one socio-moral, the other political—which are important in the history of Christian social ideas....

<sup>354</sup> Ibid.

<sup>355</sup> Indeed, it is no secret that Thomas Jefferson was not happy with organized religion or the established Episcopal Church. While a part of the governing board of the College of William and Mary, Jefferson dismantled its School of Divinity and established a Law School in its stead. He founded the University of Virginia as his ideal model of a secular institution opposed to ecclesiastical tradition and authority. Nevertheless, Jefferson’s personal preference and viewpoint on these matters should not be construed as the official public policy of the United States of America. See, also, **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

England constitute “two sides of the same coin.”<sup>356</sup> And in the United States, that relationship is basically the same, although it is much more nuanced and complex. For as Professor Auerbach stated, the First Amendment to the U. S. Constitution “did not repudiate the principle of a Christian state; rather, it provided an alternative means toward securing it.”<sup>357</sup> And, from at least one other perspective,

To speak of the separation of church and state is to speak of the separation of soul and body. If the state is without a church it is without warrant in the conscience of man; if the church is without a state it is without power in the life of the world. The church without the state is a disembodied spirit; the state without the church is a putrefying corpse. When the church is true to itself and true to its God it becomes the conscience of the state. Then the state must be in subjection to the church, or the state must perish. When the church forgets its high calling, and becomes simply a function of the state, then both church and state go down in one common ruin. The present separation of the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.<sup>358</sup>

Hence, the United States Constitution is a product of the Protestant Reformation— reflecting the ideas of Luther, Calvin, and the neo-orthodox Anglicans, Congregationalist, Presbyterians, Baptists, etc. The First Amendment renders these churches superior in every way to the state, because the state may not “establish” religion or regulate “conscience” or prohibit “assembly” or the right to “petition” the government in order to redress grievances. When the respective First-Amendment privileges are taken collectively, as Professor Auerbach states, the Christian churches certainly have an “alternative means”<sup>359</sup> for establishing and sustaining the “Christian”

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356 See, generally, William Warburton, *Alliance of Church and State* (1736) [citation omitted]. According to Bishop Warburton, the Bishops’ seat in Parliament comprised a grand “alliance” between the church and the state, since the “Church, by this alliance, having given up its Supremacy to the State... the principal Churchmen are placed in a Court of Legislature, as Watchmen to prevent the mischief, and to give the Church’s Sentiments concerning Laws Ecclesiastical. But when the Alliance is broken, and the Establishment dissolved, **the Church recovers its Supremacy.**” See, also, Jeremy Gregory, Editor, *The Oxford History of Anglicanism: Establishment and Empire, 1662 – 1829*, Vol. II (Oxford, U.K.: Oxford University Press, 2017), p. 69 (“[T]he English state and Church were two sides of the same coin so that Parliament could be seen as the ‘lay synod’ of the Church of England ....”)

357 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11. See, also, **Appendix E**, “American Zionism: How the Puritans of Colonial New England inspired 20th-century Jewish Lawyers.”

358 Algernon Sidney Crapsey, *Religion and Politics*, supra, pp. 248 – 249.

359 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution*, supra, p. 11.

commonwealth and the “Christian” republic— that is to say, “General Christianity,” or the principles of natural law and general equity, without establishing a particularly religious denomination or official church. That being the case, no Christian church denomination has an excuse for not availing itself of this extraordinary opportunity to carry out the Great Commission (Matthew 28: 19-20) which the First Amendment, U. S. Constitution expressly provides.

The fundamental question that we must address now is what, if anything, should the Christian churches (i. e., the collective grouping of regenerated, passionate, and sincere Christians) do about economic injustice in the modern (or postmodern) world as we find it in the first half of the twenty-first century. I believe that this, then, leads us to the question regard what, if anything, the churches of Jesus Christ may do to improve the economic conditions of the poor, the oppressed, and the disenfranchised. As we have previously discussed, during the 16<sup>th</sup>- and 17<sup>th</sup>- centuries, mercantilism and global trade became predominant and notoriously manifested in the transatlantic African slave trade to the New World. Few clergymen, churches, or Christian apologist writing in the name of Jesus Christ opposed either slavery or the slave-trade through the lens of economics or an economic analysis of those inequities. Had they done so, they would have been able to easily demonstrate how the fundamental economic problems which African slavery produced were tied the economic injustices that were being imposed upon non-slave holding and working-class white persons. From that perspective, the balancing of the equities would have demonstrated, from a Christian perspective, that interest of the nation lay in ending slavery, and in improving the social and moral conditions of both races and co-equal workers. But without involvement from Christian philosophers, theologians, and pastors, and when left void, the field of economics lent itself to the irreligion of a godless Marxism, which was not wholly wrong in principle.

Secondly, the churches of Jesus Christ must develop the capacity to speak intelligently about and to critique wealth inequality, monopoly capitalism, corporate dominance in politics

and culture, and the “now-dominant role” of corporate management.<sup>360</sup> Here, one would be remiss if the doctrines of “Social Darwinism” and “Survival of the Fittest,” as applied to the field of economics since the late 19th-century, are not solemnly addressed. These doctrines ushered in the Gilded Age— a period of gross economic inequality in the United States and Europe. For, like the institution of African slavery, many, if not most, of the churches of Jesus Christ either wittingly or unwittingly *profited* from “Social Darwinism” as it was applied in Europe, Great Britain, and the United States during the late 19th- and early 20th centuries— this has often been the critique of the organized Church’s attitude toward capitalism and economic inequality.<sup>361</sup> These very ruthless and inhumane economic doctrines were sheer refutations of the neo-orthodox Puritanism contained within the American Declaration of Independence (1776).

During the 16th- and 17th-centuries the Protestant world-- and particularly in England-- was unable to tame the joint-stock companies, the royal-chartered companies, the growing tendencies toward land monopoly, and the tending towards materialism. The Protestants criticized certain undemocratic and oppressive aspects of these enterprises, but at the same time they also invested in, and profited from, those same enterprises. (For instance, the Royal African Company, which engaged in the transatlantic slave trade, is a primary example).

Calvinism opposed organic social organization in the fiscal-monopolistic form which it assumed in Anglicanism under the Stuarts, especially in the conceptions of Laud, this alliance of Church and State with the monopolists on the basis of a

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360 See, e.g., Reinhold Niebuhr, “Theology and Political Thought in the Western World,” *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 498-499. (“Despite the differences between the Calvinist and the Jeffersonian versions of the Christian faith, they arrived at remarkably similar conclusions, upon this as upon other issues of life. For Jefferson the favorable economic circumstances of the New Continent were the explicit purpose of the providential decree. It was from those circumstances that the virtues of the new community were to be derived. For the early Puritans the physical circumstances of life were not of basic importance. Prosperity was not, according to the Puritan creed, a primary proof or fruit of virtue.... But three elements in the situation of which two were derived from the creed and the third from the environment gradually changed the Puritan attitude toward expanding opportunities of American life.”) See, also, **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

361 See, e.g., Algernon Sidney Crapsey, “The Commercialized Church in the Commercialized State,” *Religion and Politics*, supra, pp. 256 – 275; Reinhold Niebuhr, “The Christian Church in a Secular Age,” *Major Works on Religion and Politics*, supra, pp. 730- 743; and Martin Luther King, Jr., “Letter From the Birmingham City Jail” (1963)[public domain].

Christian, social ethical foundation. Its leaders were universally among the most passionate opponents of this type of politically privileged commercial, putting-out, and colonial capitalism. Over against it they placed the individualistic motives of rational legal acquisition by virtue of one's own ability and initiative. And, while the politically privileged monopoly industries in England all disappeared in short order, this attitude played a large and decisive part in the development of the industries which grew up in spite of and against the authority of the State. The Puritans (Prynne, Parker) repudiated all connection with the large-scale capitalistic courtiers and projectors as an ethically suspicious class. On the other hand, they took pride in their own superior middle-class business morality, which formed the true reason for the persecutions to which they were subjected on the part of those circles. Defoe proposed to win the battle against dissent by boycotting bank credit and withdrawing deposits. The difference of the two types of capitalistic attitude went to a very large extent hand in hand with religious differences. The opponents of the Nonconformists, even in the eighteenth century, again and again ridiculed them for personifying the spirit of shopkeepers, and for having, ruined the ideals of old England. Here also lay the difference of the Puritan economic ethic from the Jewish; and contemporaries (Prynne) knew well that the former and not the latter was the bourgeois capitalistic ethic.<sup>362</sup>

From the 17th-century up to the present, the critique of the worst forms of capitalism, at least in theory, has remained an important part of the Christian ethos; and this has especially been true among the Methodists.<sup>363</sup> Though much social legislation has been enacted since the early

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362 Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, p. 128.

363 The Rev. John Wesley (1703 – 1791), who is a principle founder of Methodism, has said “The gospel of Christ knows of no religion, but social; no holiness but social holiness.” See, also, The Methodist Social Creed of 1908, stating:

The Methodist Episcopal Church stands –

For equal rights and complete justice for all (people) in all stations of life.

For the principle of conciliation and arbitration in industrial dissensions.

For the protection of the worker from dangerous machinery, occupational diseases, injuries and mortality.

For the abolition of child labor.

For such regulation of the conditions of labor for women as shall safe guard the physical and moral health of the community.

For the suppression of the “sweating system.”

For the gradual and reasonable reduction of hours of labor to the lowest practical point, with work for all; and for that degree of leisure for all which is the condition of the highest human life.

For a release from employment one day in seven.

1900s, such as the abolition of child labor, the imposition of a mandatory 8-hour day/ 40-hour work week, workers compensation, social security legislation, etc., the problem of grinding poverty, wealth inequality, and economic oppression have not been abated. As Dr. John Kenneth Galbraith has opined, the modern corporation's "market position and political influence... has public acceptance. A dominant role in the military establishment, in public finance and the environment is assumed.... [T]he corporate power has shaped the public purpose to its own ability and need."<sup>364</sup> Similarly, scholars John Whitte, Jr. and Frank S. Alexander raised the same fundamental concerns regarding the power and dominance of corporations in American political and economic life, in their work *Christianity and Law: An Introduction*,<sup>365</sup> stating that "[t]he emergence of large-scale corporations raised two related, but conceptually distinct, kinds of concerns. First, there was the risk that the managers and directors of a corporation would take actions that benefited themselves rather than shareholders.... The second concern was that a corporation would act in a way that benefited both itself and its stakeholder, but harmed outsiders. Here... the overriding concern was monopoly-- the danger that corporations would snuff out competition in their industry and charge exorbitant prices to consumers."<sup>366</sup> Given their mandate to carry out the Great Commission (Matthew 28: 19-20; Matthew 25:31-46; and Luke 10: 25-37), the churches of Jesus

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For a living wage in every industry.

For the highest wage that each industry can afford, and for the most equitable division of the products of industry that can ultimately be devised.

For the recognition of the Golden Rule and the mind of Christ as the supreme law of society and the sure remedy for all social ills.

<sup>364</sup> John Kenneth Galbraith, *The Economics of Innocent Fraud* (New York, N.Y.: Houghton Mifflin Co., 2004), p. 58.

<sup>365</sup> John Whitte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge University Press, 2008), p. 320.

<sup>366</sup> Ibid.

Christ must contend— either directly or indirectly— with the fact of corporate dominance in the modern world.

And because the Christian churches, as the heirs of the House of Abraham (and Judaism), shall bless “all the nations of the earth,”<sup>367</sup> we may deduce that the Christian churches must do whatsoever is needed to facilitate the civil government’s and the civil magistrate’s discharge of their duties “to do justice and judgment.”<sup>368</sup> In this sense, as the Apostle Paul and the Protestant Reformers have stated it, the civil magistrate is “God’s minister”<sup>369</sup> and thereby he constitutes the secular arm of the Christian churches, and, indeed, the secular arm of all true religion.<sup>370</sup>

However tenuous it may be, we Americans in the United States are still living in an “Augustinian” constitutional order— a constitutional order that has been shaped by a form of *neo-orthodox* Christianity<sup>371</sup> which is exemplified in Augustine of Hippo’s magnum opus, *The City of God*.<sup>372</sup> As Professor Ruben Alvarado has pointed out in his book, *Calvin and the Whigs*:

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<sup>367</sup> Genesis 18:18-19 (“Seeing that Abraham shall surely become a great and mighty nation, and all nations of the earth shall be blessed in him? For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him.”)

<sup>368</sup> Ibid.

<sup>369</sup> Romans 13:1-4. See, also, Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523)(“Here you inquire further, whether constables, hangmen, **jurists, lawyers**, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority's bearing of the sword must also be divine service. There must be those who arrest, prosecute, execute, and destroy the wicked, and who protect, acquit, defend, and save the good. Therefore, when they perform their duties, not with the intention of seeking their own ends but only of helping the law and the governing authority function to coerce the wicked, there is no peril in that; they may use their office like anybody else would use his trade, as a means of livelihood. For, as has been said, love of neighbor is not concerned about its own; it considers not how great or humble, but how profitable and needful the works are for neighbor or community.”)

<sup>370</sup> Ibid., p. 248- 249 (“If the state is without a church it is without warrant in the conscience of man.... When the church is true to itself and true to its God it becomes the conscience of the state.”)

<sup>371</sup> That is to say, when the 16th-century Protestant Reformers rediscovered and interpreted Augustine’s theology, and utilized it to combat the Papacy, Augustine’s theology thus became the “new orthodoxy” or neo-orthodoxy.

<sup>372</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8.

*A Study in Historical Political Theology*, Augustine's *The City of God* is a primary source of the "constitution" of Western civilization, to wit:

In dating the origins of Western civilization, and consequently of its constitution, the publication of Augustine's *De Civitate Dei* [*Of the City of God*] serves as well as any for a reference point. This book was perhaps the most important ever written in the West; for a thousand years after its publication it exercised an influence unrivalled by any other, besides the Bible itself. For good reason, one writer calls it 'The Charter of Christendom.'<sup>373</sup>

The division of knowledge into differing fields was carried out in accordance with the basic Augustinian two-fold understanding of existence: this was the program of scholasticism. Natural science, and those bodies of knowledge which dealt with the temporal, natural realm, were given relative autonomy from theology, while theology itself came to be considered a science in which human intellect applied itself to the knowledge of God and purely divine and spiritual things. However, this separation did not entail a secularization as today conceived. A hierarchy of spiritual and natural things was upheld and to some extent, however imperfectly, achieved in the endeavors of the scholastics....<sup>374</sup>

A fundamental transformation in the self-image of medieval society took place, one in which two bodies, the natural and the spiritual, emerged from out of the undifferentiated condition of early medieval society. This dualistic understanding did not involve a dichotomization of natural and spiritual. Rather, the church, the spiritual body, was considered the soul of the natural body, not of the same material essence but nevertheless bonded to it, indeed forming its heart and center. John of Salisbury was apparently the first to commit this conceptual transformation to writing, in his *Policraticus* in 1159.<sup>375</sup>

This changed conception of the body politic brought with it the idea of the nation as a distinct and holy commonwealth... as a holy nation chosen by God.... So did the social order of Western Christendom develop.... There were distinct bodies of law: first canon law and secular law, then secular law divided into feudal law, manorial law, mercantile law, urban law, and royal law, each corresponding to a juridically bounded sphere of authority....<sup>376</sup>

At bottom, medieval civilization and its resultant tradition was the work of the people as a whole working out the implications of centuries of the 'paideia' brought to them by priest and monk....<sup>377</sup>

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<sup>373</sup> Ibid.

<sup>374</sup> Ibid., p. 28.

<sup>375</sup> Ibid., p. 29.

<sup>376</sup> Ibid.

<sup>377</sup> Ibid., pp. 30-31.

It was very much as well the product of a grass-roots transformation which affected all areas of life. The result was the creation of a tradition which would be the basis of all future developments in Western civilization. Thus, although literate clerics and jurists were the codifiers and catalyzers of this progress, ultimately it was a product of the whole of Western society. ‘It was, as far as we can tell, the silent in the land, those who did not write and could not read, who took that protean mass of practices and beliefs that historians now call the medieval tradition’....<sup>378</sup>

In the absence of a common law, the vacuum was filled by justice itself. Tellenbach sums up the methodology:

What is it, then, which makes for the observation of subjective rights, where there is no feeling of the necessity for positive law, no sense of the ‘public interest,’ and no consciousness of equality in rights? It is the ever-present force of the idea of justice.... It is most significant of the medieval attitude to law that positive law was not made but discovered. The king collects around him the great men of his court and inquires of them what the law is; they reply by giving their opinions, but in so doing they do not feel themselves to be making a decision, but only to be revealing what has always been.

In this manner, the principles of eternal justice came to be embodied in the temporal order....<sup>379</sup>

The engendered rights and liberties eventually solidified into bodies of constitutional guarantees. These taken together formed a more or less integral and coherent constitution for the nation itself. As Groen summarized: ‘Any particular combination of these [acquired] rights determined the distinctiveness of a state, forming its natural constitution.’<sup>380</sup>

This postdoctoral study has painstakingly and carefully demonstrated why that “Augustinian constitutional order,” as exemplified in the Westminster Confession of Faith of 1647 and in Augustine’s *Confessions* and *The City of God*, is a major pillar of the American Declaration of Independence (1776) and the United States Constitution (1787).

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<sup>378</sup> Ibid., p. 31.

<sup>379</sup> Ibid., p. 34.

<sup>380</sup> Ibid., p. 35.

## The Augustinian Nature of American Constitutional Law

St. Augustine's <i>The City of God</i> (427 A.D.)	American Constitutional Law
<p>Nature<sup>381</sup></p> <p>God<sup>382</sup></p> <p>Natural Law (divine Providence)<sup>383</sup></p> <p>Justice taken away... Robbery<sup>384</sup></p> <p>Liberty (Man's Nature)<sup>385</sup></p> <p>Happiness<sup>386</sup></p> <p>Definition of Republic/ Empire<sup>387</sup></p> <p>Tranquility; Order<sup>388</sup></p>	<p><b><i>Declaration of Independence (1776)</i></b></p> <hr style="width: 20%; margin: auto;"/> <p>“The unanimous Declaration of the thirteen united States of America....</p> <p>“When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.</p> <p>“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness....”</p> <p>“... the Supreme Governor of the World ....”</p> <p>“... divine Providence....”</p>

<sup>381</sup> St Augustine, *The City of God* , supra, pp. 27, 382.

<sup>382</sup> Ibid., pp. 155, 382, and 701.

<sup>383</sup> Ibid., pp. 690-693.

<sup>384</sup> Ibid., pp. 112-113.

<sup>385</sup> Ibid., pp. 693-694.

<sup>386</sup> Ibid., pp. 204-205, 693-694, 696.

<sup>387</sup> Ibid., pp. 62, 706.

<sup>388</sup> Ibid., pp. 690-693.

<p>Justice<sup>389</sup></p> <p>Tranquility<sup>390</sup></p> <p>Liberty<sup>391</sup></p> <p>Common Weal of People/ General Welfare<sup>392</sup></p> <p>Common Defense (“Just War”)<sup>393</sup></p>	<p style="text-align: center;"><b><i>U.S. Constitution (1787)</i></b></p> <hr/> <p style="text-align: center;">—</p> <p style="text-align: center;"><b><i>Preamble to the U.S. Constitution:</i></b></p> <p>“WE THE PEOPLE of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”</p> <ul style="list-style-type: none"> <li>• A More Perfect Union</li> <li>• Establish justice</li> <li>• Domestic tranquility</li> <li>• General Welfare</li> <li>• Blessing of Liberty</li> <li>• Common Defense</li> </ul>
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Given this clear nexus between the Christian religion and these two major constitutional documents of the United States, I can see no way around the churches of Jesus Christ addressing the court system, public policy, and the economic systems of the United States and in

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<sup>389</sup> Ibid., p. 112 (“Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on.”)

<sup>390</sup> Ibid., pp. 690-693 (“The peace of all things is the tranquility of order,” wrote St. Augustine. “Order is the distribution which allots things equal and unequal, each to its own place.... God, then, the most wise Creator and most just Ordainer of all natures, who placed the human race upon earth as its greatest ornament, imparted to men some good things adapted to this life, to wit, temporal peace, such as we can enjoy in this life from health and safety and human fellowship, and all things needful for the preservation and recovery of this peace.... But as this divine Master inculcates two precepts—the love of God and the love of our neighbor—and as in these precepts a man finds three things he has to love—God; himself, and his neighbor—and that he who loves God loves himself thereby, it follows that he must endeavor to get his neighbor to love God, since he is ordered to love his neighbor as himself.”)

<sup>391</sup> Ibid., pp. 693-694.

<sup>392</sup> Ibid., p. 62.

<sup>393</sup> Ibid., p. 27 (“And, accordingly, they who have waged war in obedience to the divine command, or in conformity with His laws have represented in their persons the public justice or the wisdom of government, and in this capacity have put to death wicked men; such persons have by no means violated the commandment, ‘Thou shalt not kill.’”)

other nations. As previously mentioned, the prevailing ideologies of “Social Darwinism,” the “Survival of the Fittest,” and “corporate dominance” are now predominant; and, accordingly, while disguised as “legal positivism,” these same ideologies now occupy a prominent and authoritative space in American legal education, the rankings of American law schools and law firms, the appointments of federal or state judges in the United States, and throughout court systems in general.<sup>394</sup> And against the backdrop of this enormous economic and corporate

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394 As John Norton Pomeroy noted in his *Equity Jurisprudence*, the law of “general equity” rapidly fell into decline and became virtually unenforced in American courts. In the preface to his 1881 treatise, *A Treatise of Equity Jurisprudence*, Professor John Norton Pomeroy writes:

The author herewith submits to the legal profession a textbook which treats, in a somewhat comprehensive manner, of the equitable jurisdiction as it is now held by the national and state tribunals.... It is proper that he should, in a few words, explain the motives which led to the preparation of such a work.... While the ‘Supreme Court of Judicature Act’ was pending before the British Parliament, there appeared in the *Saturday Review* a series of articles written by one of the ablest lawyers and most profound thinkers of the English bar, which pointed out a grave danger threatening the jurisprudence of England in the plan, as then proposed, for combining legal and equitable rights and remedies in the same action, and administering them by the same tribunal. The writer showed, as the inevitable result of the system, that equitable principles and doctrines would gradually be suppressed and disappear in the administration of justice; that they would gradually be displaced and supplanted by the more inflexible and arbitrary rules of law; until in time equity would practically cease to be a distinctive branch of national jurisprudence. The reasoning of these remarkable articles was so cogent and convincing that it produced a deep impression, not only upon the English bench and bar, but even upon Parliament, and it ultimately led to an amendment of the act by the addition of the following clause, which has undoubtedly averted the anticipated danger: ‘Generally in all matters in which there is any conflict or variance between the rules of equity and the rules of the common law, with reference to the same matter, the rules of equity shall prevail.’

I have referred to this incident simply for the purpose of indicating its application, under like circumstances, to the law of our own country. The arguments of the English essayist were purely a priori, and were confined to the judicial system of England. They would apply with equal force to a large portion of the American States; and the correctness of his conclusions is established by the judicial experience of those commonwealths during the past thirty years. Since the first New York Code of Practice in 1848, about one half of the States and territories have adopted the Reformed Procedure. As the central conception of this system is the abolition of all external distinctions between actions at law and suits in equity, the union of legal and equitable rights and remedies in one proceeding, and the substitution of many important equitable in place of legal methods, it was confidently supposed that, in progress of time, the doctrines of equity would obtain a supremacy over those of the law in the administration of justice, and that the entire jurisprudence of a State would gradually become more equitable, more informed with equitable notions. It must be confessed, I think, that the experiences of the past thirty years in these States points to a directly contrary result. Every careful observer must admit that in all the States which have adopted the Reformed Procedure, there has been, to a greater or less degree, a weakening, decrease, or disregard of equitable principles in the administration of justice.

I would not be misunderstood. There has not, of course, been any conscious intentional abrogation or rejection of equity on the part of the courts. The tendency, however, has plainly and steadily been towards the giving an undue prominence and superiority to purely legal rules, and the ignoring, forgetting, and suppression of equitable notions. The correctness of this conclusion can not be questioned nor doubted; the consenting testimony of able lawyers who have practiced under both systems, corroborates it; and no one can study the current series of state reports without perceiving and acknowledging its truth....

I would not be understood as condemning the Reformed Procedure on this account.... A brief legislative enactment, substantially the same as that added to the English Judicature Act, would render the system

power, the neo-orthodoxy of Puritan and Christian jurisprudence (i.e., the laws of nature, general equity, “general” Christianity, etc.), as memorialized in the American Declaration of Independence (1776), has been all but extinguished in present-day American jurisprudence. The Puritan and Christian foundations of American constitutional law and jurisprudence have been all but extinguished in American law schools and in daily court-room discourse. Under these circumstances, who better to set the record straight or to restore the supreme role of “Christian” equity within American constitutional law and jurisprudence, than Christian theologians, doctors of philosophy, lawyers, and judges?

In demanding economic justice, it is not enough merely to effectuate the passage of economic legislation, but rather there needs to be stern oversight as to precisely how such legislation is to be meaningfully enforced through administrative agencies and the courts. We are now discussing a subject matter that ultimately requires the churches of Jesus Christ to attain significant technical expertise and professional experience and education. But here is where the churches of Jesus Christ are often left far behind, and the forces of “Social Darwinism” (i.e., corporate power) become predominant. But here is where the prophet’s voice of the church is needed most, in order that equity jurisprudence is properly meted out and applied to real-world cases.

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perfect in theory, and would secure to equity the life and prominence which properly belong to it, and which should be preserved....

I need not dwell upon the disastrous consequences of the tendency above described, if it should go on to its final stage. Even a partial loss of equity would be a fatal injury to the jurisprudence of a State. So far as equitable rules differ from those of the law, they are confessedly more just and righteous, and their disappearance would be a long step backward in the progress of civilization.

It is of vital importance, therefore, that a treatise on equity for the use of the American bar, should be adapted to the existing condition of jurisprudence throughout so large a part of the United States.

John Norton Pomeroy, LL.D., *A Treatise of Equity Jurisprudence: As Administered in the United States of America* (San Francisco, CA: A.L. Bancroft and Co., 1881), pp. v – vii.

For example, in the American law of contracts, the doctrine of “good faith,” which means “honesty in fact in the conduct or transaction concerned”<sup>395</sup> -- including supplementary doctrines such as the doctrines of “good faith purchase,” “good faith in negotiations,” “good faith performance,” and “good faith in enforcement”<sup>396</sup> -- is strikingly similar to Jesus’ equitable interpretation of the Law of Moses.<sup>397</sup> Additionally, the Greco-Roman influence within Roman Catholicism significantly influenced the development of England’s and continental Europe’s legal systems.

Although courts and commentators historically have had difficulty defining the implied obligation of good faith and fair dealing, the covenant has always been a vehicle in the law of contracts to advance the expectations of the contracting parties. The concept of good faith enjoys a long history in the law. Greek society viewed good faith as a ‘universal social force that governed their social interrelationships-- that is, each citizen had an obligation to act in good faith toward all citizens.’ Under Canon Law, the duty of good faith was a universal moral norm, individually determined by each person’s honesty and his or her duty to God.’ According to Roman Law, the obligation to act in accordance with good faith bound contracting parties ‘not only by the terms they had actually agreed to, but by the terms that were naturally implied in their agreement.’ In the eighteenth century, the notion of good faith took on greater importance. As equity, natural law and the law merchant flourished, the common law became infused with a commercial doctrine that ‘evaluated a party’s conduct in contracting by trade customs and “natural equity.”’ From the equitable standard of good faith and conscience evolved a narrow duty to disclose in the agreement process.<sup>398</sup>

The United States Supreme Court has incorporated the doctrine of equity or good faith into the plain text of the American Declaration of Independence (1776), as is relates to corporate

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395 Uniform Commercial Code § 1-201 (19).

396 Restatement (Second) of Contracts, § 205.

397 See generally Friedrich Kessler & Edith Fine, *Culpa in Contrahendo, Bargaining in Good Faith, and Freedom of Contract: A Comparative Study*, 77 HARV. L. REV. 401 (1964)(tracing the concept of good faith and fair dealing through various doctrines in American contract law); Ralph A. Newman, *The Renaissance of Good Faith in Contracting in Anglo-American Law*, 54 CORNELL L. REV. 553 (1969)(surveying the concept of good faith across different cultures. Several authors have traced the concept back to the Bible. For instance, one scholar cites the Old Testament, Leviticus19:1 & -- “Thou shalt love thy fellow-man as thyself” – as an early reference to the obligation to act with good faith); and Russell A. Eisenberg, *Good Faith Under the Uniform Commercial Code- A New Look at an Old Problem*, 54 MARQ. L. REV. 1, 10 (1971).

398 Jason Randal Erb, *The Implied Covenant of Good Faith and Fair Dealing in Alaska: One Court’s License to Override Contractual Expectations*, 11 ALASKA L. REV. 35, 37-38 (1994).

monopolies, in the case of *Buther's Union v. Crescent City* (1884),<sup>399</sup> within Justice Bradley's concurring opinion, as follows:

I hold it to be an incontrovertible proposition of both English and American public law, that all mere monopolies are odious, and against common right. The practice of granting them in the time of Elizabeth came near creating a revolution. But Parliament, then the vindicator of the public liberties, intervened, and passed the act against monopolies. 21 Jac. I, c. 3. The courts had previously, in the last year of Elizabeth, in the great **case of Monopolies, 11 Rep. 84b**, decided against the legality of royal grants of this kind. That was only the case of the sole privilege of making cards within the realm; but it was decided on the general principle that all monopoly patents were void, both at common law and by statute, unless granted to the introducer of a new trade or engine, and then for a reasonable time only; that all trades, as well mechanical as others, which prevent idleness, and enable men to maintain themselves and their families, are profitable to the commonwealth, and therefore the grant of the sole exercise thereof is against not only the common law, "but the benefit and liberty of the subject." It was in view of this decision, and in accordance with the principles established by it, that the act of 21 James I was passed abolishing all monopolies, with the exception of 'letters patent and grants of privileges, for the term of fourteen years or under, of the sole working or vending of any manner of new manufactures to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patent and grants, shall not us.'

As a mere declaration of the common and statute law of England, the case of Monopolies, and the act of 21 James I, would have but little influence on the question before us, which concerns the power of the legislature of a state to create a monopoly. But those public transactions have a much greater weight than as mere declarations and enactments of municipal law. They form one of the constitutional landmarks of British liberty, like the petition of right, the habeas corpus act, and other great constitutional acts of Parliament. They established and declared one of the inalienable rights of freemen which our ancestors brought with them to this country. The right to follow any of the common occupations of life is an inalienable right, it was formulated as such under the phrase "pursuit of happiness" in the **declaration of independence**, which commenced with the fundamental proposition that

‘all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.’

This right is a large ingredient in the civil liberty of the citizen. To deny it to all but a few favored individuals by investing the latter with a monopoly is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but, as I

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<sup>399</sup> *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 761 -766 (1884).

think, to the express words of the Constitution. It is what no legislature has a right to do, and no contract to that end can be binding on subsequent legislatures....

I hold that the liberty of pursuit -- the right to follow any of the ordinary callings of life -- is one of the privileges of a citizen of the United States. It was held by a majority of the court in the former decision of the *Slaughterhouse Cases*, 16 Wall. 36, 83 U. S. 57, that the "privileges and immunities of citizens of the United States," mentioned and referred to in the Fourteenth Amendment, are only those privileges and immunities which were created by the Constitution of the United States, and grew out of it, or out of laws passed in pursuance of it. I then held, and still hold, that the phrase has a broader meaning; that it includes those fundamental privileges and immunities which belong essentially to the citizens of every free government, among which Mr. Justice Washington enumerates the right of protection; the right to pursue and obtain happiness and safety; the right to pass through and reside in any state for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state, and to take, hold, and dispose of property, either real or personal. *Corfield v. Corryell*, 4 Wash. C.C. 381. These rights are different from the concrete rights which a man may have to a specific chattel or a piece of land, or to the performance by another of a particular contract, or to damages for a particular wrong, all which may be invaded by individuals; they are the capacity, power, or privilege of having and enjoying those concrete rights, and of maintaining them in the courts, which capacity, power, or privilege can only be invaded by the state.

These primordial and fundamental rights are "the privileges and immunities of citizens" which are referred to in the fourth article of the Constitution and in the Fourteenth Amendment to it. In the former, it is declared that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states" -- that is, in the other states. It was this declaration which Justice Washington was expounding when he defined what was meant by "privileges and immunities of citizens."

The Fourteenth Amendment goes further, and declares that "no state shall abridge the privileges and immunities of citizens of the United States;" which includes the citizens of the state itself, as well as the citizens of other states. In my opinion, therefore, the law which created the monopoly in question did abridge the privileges of all other citizens, when it gave to the appellees the sole power to have and maintain stocklandings and slaughterhouses within the territory named, because these are among those ordinary pursuits and callings which every citizen has a right to follow if he will, subject, of course, to regulations equally open to all....

Monopolies are the bane of our body politic at the present day. In the eager pursuit of gain, they are sought in every direction. They exhibit themselves in corners in the stock market and produce market and in many other ways. If by legislative enactment they can be carried into the common avocations and callings of life so as to cut off the right of the citizen to choose his avocation -- the right to earn his bread by the trade which he has learned -- and if there is no constitutional means of putting a check to

such enormity, I can only say that it is time the Constitution was still further amended. In my judgment, the present Constitution is amply sufficient for the protection of the people if it is fairly interpreted and faithfully enforced.

The case of *Butcher's Union v. Crescent City* (1884) not only retains fidelity to the true meaning of the American Declaration of Independence (1776) and faithfully applies that meaning to a real set of facts, but it also represents the type of jurisprudence which reflects the “neo-orthodox Calvinism,” which laid the foundations of American constitutional law, but which has been subverted and evaded in present-day constitutional discourse.

As previously mentioned in this post-doctoral study, the Law of Moses made provision for the judges of ancient Israel to address the same subject matter and to apply the basic principles of general equity to practical problems and disputes. (See, e.g., Rabbi Lord Jonathan Sacks, “Word of Torah: Why Are There So Many Jewish Lawyers?” *The Detroit Jewish News* (July 16, 2021), describing Deuteronomy 16:20, as stating “Justice, justice shall you pursue.”) Wherefore, it is not a stretch of the imagination to ask whether the so-called “secular” laws in modern-day nations, and the secular laws which operate under the auspices of the American Declaration of Independence (1776) in the United States, are just as “sacred” as were the judicial and moral laws of ancient Israel. Perhaps what is needed is a correct understanding of the doctrine of separation of church and state, instead of a dismantling of it. Most Americans today have been taught that the doctrine and policy to separate church from state had completely obliterated the Christian foundations of American constitutional law and jurisprudence. But this is clearly a misconception which American Jews early and largely rejected. For as Professor Auerbach stated, the First Amendment to the U. S. Constitution “did not repudiate the principle of a Christian state; rather, it provided an alternative means toward securing it.”<sup>400</sup> The United States Supreme Court has likewise confirmed this viewpoint. See, e.g., *Terrett v. Taylor*, 13 U. S.

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<sup>400</sup> Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11. See, also, **Appendix E**, “American Zionism: How the Puritans of Colonial New England inspired 20th-century Jewish Lawyers.”

43 (1815);<sup>401</sup> *Vidal v. Girard's Executors*, 2 How. 127 (1843)<sup>402</sup>; *Holy Trinity v. United States*, 143 U. S. 457 (1892);<sup>403</sup> and *United States v. Macintosh*, 283 U. S. 605 (1931).<sup>404</sup>

For this reason, this post-doctoral study was designed to address two primary groups-- Christian lawyers or judges and Christian theologians or pastors-- its objective is to demonstrate why they, as the foremost leaders of the community, they have an ethical obligation to perennially critique modern economic organizations and public policy, and to withstand the temptations of secular materialism. Where the lawyers and the pastors of the community succumb to the deadly sting of self-centered materialism and commercial gain at the expense of the public interest, the whole community suffers and, indeed, in Augustinian terms, the whole body politic will eventually collapse and fall— this is a major critique of the decline and fall of the ancient Roman empire in *The City of God*. And because I do not see how the churches of Jesus Christ can even begin to hold an intelligent conversation about economic justice, within the administration of justice in courtrooms, without Christian lawyers speaking on their behalf, I see no way around ordaining experienced and senior Christian lawyers or, especially, retired Christian judges, as elders and presbyters with special commissions for special public service to the body politic, government administration, and the courts, on behalf of the churches of Jesus Christ.

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401 *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing “the principles of **natural justice**, upon **the fundamental laws of every free government**”).

402 *Vidal v. Girard's Executors*, 2 How. 127 (1843)(the United States is “**a Christian country.**”)

403 *Holy Trinity v. United States*, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is “**a Christian nation.**”)

404 *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a **Christian people** (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470- 471), according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God.”)

Indeed, the universal Christian Church was established to teach, to preach, to baptize the nations, and to extend charity—in a word, Christian economics: “to do justice and judgment”<sup>405</sup> and “to love thy neighbor as thyself.”<sup>406</sup> Until Christian churches conceptualize the official functions and duties of Christian economists, policy makers, lawyers and judges to also constitute an essential component of the ordained ministry of “elders” or “presbyters” of the churches of Jesus Christ, then the entire universal Christian Church will continuously divest itself of its rightful power, authority, and jurisdiction over the nations.<sup>407</sup>

THE END.

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<sup>405</sup> Genesis 18: 18-19 (“Seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him.”)

<sup>406</sup> Leviticus 19: 17-18 (Thou shalt not hate thy brother in thine heart... But thou shalt love thy neighbour as thyself: I am the LORD.) Matthew 7: 12 (“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”); Matthew 22:37-40 (“Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.”); James 2:8 (“If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well”); Romans 10:17-18 (Here, the universal moral law means the two-fold duty to honor or obey God and love neighbor); See, also, Robert F. Cochran and Zachary R. Calo, *Agape, Justice and Law: How might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017). See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill’s essay on *Utilitarianism*, as stating: “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”)

<sup>407</sup> Indeed, the churches of Jesus Christ represent the “restored Israel” of the Old Testament prophets which shall exercise rulership and jurisdiction over all the nations of the world. Here, I take the postmillennial position that Christ’s sovereign reign upon earth commenced with his birth 2,000 years ago, and that this reign continues through his visible and invisible church. See, also, Matthew 28:18-20; the Book of Revelation; see, also, St. Augustine, *The City of God*, supra, pp. 725-726 (“the Church even now is the kingdom of Christ, and the kingdom of heaven. Accordingly, even now His saints reign with Him....”); and, see, generally, William Goodell, *The Democracy of Christianity*, Vol. II, pp. 488 - 523. See, also, “Postmillennialism,” Wikipedia (online encyclopedia): [Postmillennialism - Wikipedia](https://en.wikipedia.org/wiki/Postmillennialism).

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